

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JOHN P. “JACK” FLYNN
LESLIE A. FLYNN,

Plaintiffs,

- against -

CABLE NEWS NETWORK, INC.,

Defendant.

Case: 1:21-cv-02587-AS-SLC

ORAL ARGUMENT REQUESTED

**DEFENDANT’S REPLY TO PLAINTIFFS’ RESPONSE TO RULE 56.1 STATEMENT
AND RESPONSE TO ADDITIONAL STATEMENT OF MATERIAL FACTS**

Pursuant to Rule 56.1 of the Local Rules for the United States District Court for the Southern District of New York, Defendant Cable News Network, Inc. (“CNN”) submits the following Reply to Plaintiff’s Response to CNN’s Statement of Undisputed Material Facts in support of its Motion for Summary Judgment and Response to Plaintiffs’ Statement of Additional Facts. ECF Nos. 180, 200.

REPLY TO PLAINTIFFS’ RESPONSE TO RULE 56.1 STATEMENT

Preliminarily, as a whole, Plaintiffs’ purported denials of fact fail to comply with the requirements of Rule 56.1 of the Local Rules for the United States District Court for the Southern District of New York or Rule 56 of the Federal Rules of Civil Procedure.

First, Plaintiffs have not appropriately denied any of the material facts set forth in Defendant’s 56.1 Statement. Local Rule 56.1(c) specifically states that “[e]ach numbered paragraph in the [movant’s] statement of material facts . . . will be deemed to be admitted for purposes of the motion unless specifically controverted by a correspondingly numbered paragraph in the statement required to be served by the opposing party.” But here, Plaintiffs’ purported

denials repeatedly fail to “specifically controvert[]” the facts alleged by Defendant. In each of these instances, as set forth specifically below, Plaintiffs’ response should be disregarded and deemed an admission. *See Baity v. Kralik*, 51. F. Supp. 3d 414, 418 (S.D.N.Y. 2014) (“If the opposing party then fails to controvert a fact set forth in the movant’s Rule 56.1 statement, that fact will be deemed admitted pursuant to the local rule.”) (citation omitted).

Second, Local Rule 56.1(d) requires that “[e]ach statement by the movant or opponent pursuant to Rule 56.1(a) and (b), including each statement controverting any statement of material fact, must be followed by citation to evidence which would be admissible, set forth as required by Fed. R. Civ. P. 56(c).” But here, the majority of Plaintiffs’ responses rely on a combination of “conclusory or non-responsive objections,” and/or “responses that simply advocate for a different spin on otherwise uncontroverted facts.” *Hartley v. Rubio*, 785 F. Supp. 2d 165, 170 n.1 (S.D.N.Y. 2011). Likewise, “to the extent that a [nonmovant] ha[s] denied statements for lack of knowledge and information, they will be deemed admitted.” *Stepheny v. Brooklyn Hebrew Sch. for Special Children*, 356 F. Supp. 2d 248, 255 n.4 (E.D.N.Y. 2005) (internal quotation marks omitted).

For these reasons, and the reasons addressed below, Plaintiffs’ Response to Defendant’s Rule 56.1 Statement should not be credited.

	Defendant’s Statement of Undisputed Material Facts	Plaintiffs’ Response	Defendant’s Reply
1.	At the time of filing the First Amended Complaint (“FAC”), Dkt. 7, Plaintiff John P. “Jack” Flynn (“Jack”) was a resident of Rhode Island. FAC 8. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	No dispute.	Plaintiffs do not dispute these facts, therefore, they are deemed admitted.
2.	At the time of filing the FAC, Plaintiff Leslie Flynn (“Leslie”)	At the time of filing the First Amended Complaint	Plaintiffs cannot dispute Leslie’s testimony [REDACTED]

[illegible]

	Defendant's Statement of Undisputed Material Facts	Plaintiffs' Response	Defendant's Reply
4.	<p>"QAnon" is an American conspiracy movement that began in 2017. It centers on fabricated claims that a high-ranking government official called "Q Clearance Patriot" or "Q" is leaking top secret information about a Deep State cabal on online forums. Q's posts, called "Q Drops," of which there have been just shy of 5,000, claim that Trump was the only one who could save America. Ex. 6 at 5.</p>	No Dispute.	Plaintiffs do not dispute these facts, therefore, they are deemed admitted.
5.	<p>Members of the QAnon movement have a range of beliefs. Ex. 6 at 4-5; Ex. 8 at 187-88. Q encouraged his followers to "do their own research" and use memes (a graphic or image often accompanied by text that is shared online) to spread the word about Q Drops. Ex. 82 (instructing "memes at the ready. WWG1WGA! Q"); Ex. 34 at 43:16-21. Posting on social media is central to the QAnon movement, Ex. 34 at 43:12-21; Ex. 3 ¶ 15, and posting about Q by social media influencers greatly increased the movement's reach. Ex. 9 at 2:23-3:28; <i>see also id.</i> 1:00- 2:22; Ex. 10 at 6:13-10:01.</p>	<p>QAnon followers hold a series of outlandish beliefs that have grown out of these Q drops. "These views center on the idea that a cabal of Satan-worshipping pedophiles mainly consisting of what they see as elitist Democrats, politicians, journalists, entertainment moguls and other institutional figures have long controlled much of the so-called deep state government, which they say sought to undermine President Trump, mostly with aid of media and entertainment outlets." Roberts Ex. A at 20:21-21:21. This "secret global cabal of Democrats and celebrities ... worship Satan[,] sexually abuse[] children and dr[ink] their blood in order to ingest a chemical called adrenochrome." <i>Id.</i> at 90:3-16. Trump is a</p>	Plaintiffs' response does not controvert any of the facts set forth in Defendant's statement in Paragraph 5, and those facts should, therefore, be deemed admitted. Local Rule 56.1(c). Instead, Plaintiffs "simply advocate for a different spin on otherwise uncontroverted facts." <i>Hartley</i> , 785 F. Supp. 2d at 170 n.1.

	Defendant's Statement of Undisputed Material Facts	Plaintiffs' Response	Defendant's Reply
		messianic figure in QAnon. <i>Id.</i> at 88:11-19. Some QAnon followers "believe there's a lineage ... from JFK, Trump through to our Lord Jesus Christ." <i>Id.</i> at 36:7-25.	
6.	At a QAnon convention in October 2020, a prominent QAnon supporter, Dave Hayes (known online as Praying Medic), referenced General Flynn's emphasis on social media, and stated that social media is "where the war is" and where QAnon supporters "took over the idea of information." Ex. 10 at 6:13-10:01. Praying Medic said: QAnon supporters "collectively are massively killing [mainstream media] on engagement on social media" and are "having a big impact on the public perception of information." <i>Id.</i> Praying Medic also emphasized the importance of hashtags, because if QAnon supporters "can get a post going, a viral hashtag, you can co-opt the hashtag," and retweet to "amplify the right message" and "get it to go viral." Ex. 9 at 1:00-2:22. Another QAnon supporter said at the convention, Q "tells us to stay there [on social media], tells us to stay on Twitter . . . because we have to fight on those platforms." <i>Id.</i> at 2:23- 3:28. Praying Medic stated, "That's why they're taking [QAnon] accounts down" because QAnon supporters are "killing their narrative," Ex. 10 at 6:13-10:01, and "[t]hey take your account off, you create another	No dispute.	Plaintiffs do not dispute these facts, therefore, they are deemed admitted.

	Defendant's Statement of Undisputed Material Facts	Plaintiffs' Response	Defendant's Reply
	one. You keep messaging. You get out there." <i>Id.</i> at 6:13-10:01.		
7.	On October 17, 2020, Q instructed his followers to deny being QAnon followers and instead to claim "[t]here is 'Q[.],' ... [t]here are 'Anons[.],' [but t]here is no 'Qanon'." Ex. 86; <i>see also</i> Ex. 34 at 34:2-6.	No dispute.	Plaintiffs do not dispute these facts, therefore, they are deemed admitted.
8.	Q uses catchphrases, such as the "Storm" and the "Great Awakening." Ex. 6 at 19- 20. Among them is the phrase "Digital Soldiers," which was coined by Gen. Flynn in November 2016 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	Leslie was unfamiliar with the terms "TheGreatAwakening" and "Q." [REDACTED] [REDACTED] Jack didn't know what the term great awakening meant. [REDACTED] [REDACTED] Gen. Flynn coined the term "Digital Soldiers" right after Donald Trump was elected President in 2016 with a group of young Republicans. This was before QAnon appeared publicly. [REDACTED] [REDACTED]	Plaintiffs admit that Gen. Flynn coined the term "Digital Soldiers" in 2016. Plaintiffs' response does not controvert the facts set forth in Defendant's statement that "Q uses catchphrases, such as the 'Storm' and the 'Great Awakening,' or that Digital Soldiers "describes those who post content online, including 'memes,' [REDACTED] [REDACTED] and those facts should therefore be deemed admitted. Local Rule 56.1(c). Instead, Plaintiffs "simply advocate for a different spin on otherwise uncontroverted facts." <i>Hartley</i> , 785 F. Supp. 2d at 170 n.1. Plaintiffs' lack of knowledge is not a proper ground for denying a statement, and the facts should, therefore, be deemed admitted on that basis too. <i>Stephenny</i> , 356 F. Supp. 2d at 255 n.4.

	Defendant’s Statement of Undisputed Material Facts	Plaintiffs’ Response	Defendant’s Reply
9.	No phrase is more associated with QAnon than the QAnon Slogan “Where We Go One, We Go All” and its abbreviation “WWG1WGA.” Ex. 6 at 11-12; <i>see also</i> Ex. 8 at 93, 160.	The phrase “Where We Go One, We Go All” originates in the 1996 film <i>White Squall</i> . Roberts Ex. A at 73:5-10.	Plaintiffs’ response does not controvert the facts set forth in Defendant’s statement that “No phrase is more associated with QAnon than the QAnon Slogan “Where We Go One, We Go All” and its abbreviation “WWG1WGA,” and those facts should therefore be deemed admitted. Local Rule 56.1(c).
10.	The origin of the phrase WWG1WGA is enmeshed in QAnon lore. The phrase was first used in Q Drop #513, on January 8, 2018, Ex. 80, and many QAnon supporters believe the phrase was engraved on a bell on President John F. Kennedy’s sailboat. In fact, it comes from the 1996 film <i>White Squall</i> . Ex. 3 ¶ 17; Ex. 6 at 13-14; Ex. 8 at 21. And the picture of the engraved bell that many QAnon followers claim is from Kennedy’s boat is in fact a still photo from <i>White Squall</i> that was published in Q Drop #3924. <i>See</i> Ex. 83; Ex. 8 at 21, 186.	Jack had originally learned of the phrase when he watched <i>White Squall</i> [REDACTED] [REDACTED]	Plaintiffs’ response does not controvert any of the facts set forth in Defendant’s statement in Paragraph 10, and those facts should, therefore, be deemed admitted. Local Rule 56.1(c). Instead, Plaintiffs “simply advocate for a different spin on otherwise uncontroverted facts.” <i>Hartley</i> , 785 F. Supp. 2d at 170 n.1.
11.	Q has used either “Where We Go One, We Go All” or its abbreviation “WWG1WGA” in 201 posts. Ex. 6 at 12. And it was used extensively by QAnon followers on social media, often with other hashtags like #QAnon. Ex. 35 at 138:8-10; Ex. 36 at 36:16-18. In fact, the use of social media by the QAnon movement to spread disinformation was so widespread that, following the	Jack never associated the phrase “Where we go one, we go all” or #WWG1WGA with QAnon. [REDACTED] [REDACTED] The #WWG1WGA hashtag appeared alongside various Q and non-Q hashtags in the tweets Jack promoted, including: #QAnon, #TakeTheOath; #MAGA;	Plaintiffs’ response does not controvert any of the facts set forth in Defendant’s statement in Paragraph 11, and those facts should, therefore, be deemed admitted. Local Rule 56.1(c). Instead, Plaintiffs “simply advocate for a different spin on otherwise uncontroverted

	Defendant’s Statement of Undisputed Material Facts	Plaintiffs’ Response	Defendant’s Reply
	<p>January 6 Capitol attack, Twitter banned users (including Jack’s brother and Leslie’s brother-in-law, Gen. Flynn, [REDACTED] who posted QAnon phrases. Ex. 105; <i>see also</i> Ex. 32 at 332:23-333:11; Ex. 31 at 171:3-4. The phrase also appeared on clothing, hats, flags, and other merchandise. Ex. 6 at 12.</p>	<p>#IStandWithGenFlynn; #BlackFriday; #WeThePeople; #AllInForFlynnFriday; #UltimateSacrifice; #ClearFlynnNow; #QArmy; among others. <i>Id.</i> at 65:22-66:3; 67:2-10; 89:6-14; 233:18-234:4; Bolger Exs. 43, 58. To Jack it was just another conservative hashtag, or as he put it: “This Simple statement of support for each other really roils the left Huh!!?” FAC 23.a (in picture); Roberts Ex. J.</p>	<p>facts.” <i>Hartley</i>, 785 F. Supp. 2d at 170 n.1.</p>
12.	<p>Courts have described “Where We Go One, We Go All” as “a slogan used by adherents of the QAnon conspiracy theory.” <i>U.S. v. Languerand</i>, 2021 WL 3674731, at *3 (D.D.C. Aug. 19, 2021). In 2020, <i>Media Matters</i> published an article titled “Here are the QAnon supporters running for Congress in 2020,” which detailed the QAnon-supportive actions of 107 former congressional candidates. Ex. 87. Derrick Grayson made the list for “tweet[ing] the QAnon slogan and its spinoff hashtag, #wwglwgaworldwide,” and Philanise White made the list for “tweet[ing] the QAnon slogan more than once,” including in tweets soliciting donations to her campaign. <i>Id.</i> at 11, 26. Others, like Theresa Raborn and Johnny Teague, made the list for simply retweeting the Flynn’s Oath Video, <i>Id.</i> at 19-20, 22-23. Sharing the “Where We Go One, We Go</p>	<p>Mr. Sullivan also admits that just saying “Where we go one, we go all” does not make someone a QAnon follower. Roberts Ex. A. at 98:14-24.</p>	<p>Plaintiffs’ response does not controvert any of the facts set forth in Defendant’s statement in Paragraph 12, and those facts should, therefore, be deemed admitted. Local Rule 56.1(c). Instead, Plaintiffs “simply advocate for a different spin on otherwise uncontroverted facts.” <i>Hartley</i>, 785 F. Supp. 2d at 170 n.1.</p>

	Defendant's Statement of Undisputed Material Facts	Plaintiffs' Response	Defendant's Reply
	movement. Ex. 6 at 7; Ex. 8 at 5, 44.	Bolger Ex. 31 at 426:1-427:18.	deemed admitted. Local Rule 56.1(c). Instead, Plaintiffs "simply advocate for a different spin on otherwise uncontroverted facts." <i>Hartley</i> , 785 F. Supp. 2d at 170 n.1.
15.	<p>██████████ ██████████ ██████████ ██████████ Q referenced Gen. Flynn in scores of Q Drops, and members of the Q movement show their support for Gen. Flynn by adding three stars to their Twitter handle (meant to signify his rank as a three-star general); creating, sharing, and liking memes featuring him; and using hashtags like #ClearFlynnNow and #IStandWithFlynn, in conjunction with #WWG1WGA and #QAnon. Ex. 32 at 345:5-346:4; Ex. 6 at 8; Ex. 28 at 212:16-19.</p>	<p>Veronica Wolski acted like a groupie toward Gen. Flynn. ██████████ The ██████████ The #WWG1WGA hashtag appeared alongside various Q and non-Q hashtags in the tweets Jack promoted, including: #QAnon, #TakeTheOath; #MAGA; #IStandWithGenFlynn; #BlackFriday; #WeThePeople; #AllInForFlynnFriday; #UltimateSacrifice; #ClearFlynnNow; #QArmy; among others. <i>Id.</i> at 65:22-66:3; 67:2-10; 89:6-14; 233:18-234:4; Bolger Exs. 43, 58.</p>	<p>Plaintiffs' response does not controvert any of the facts set forth in Defendant's statement in Paragraph 15, and those facts should, therefore, be deemed admitted. Local Rule 56.1(c). Instead, Plaintiffs "simply advocate for a different spin on otherwise uncontroverted facts." <i>Hartley</i>, 785 F. Supp. 2d at 170 n.1.</p>
16.	<p>██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████</p>	<p>██████████ ██████████ ██████████ ██████████ ██████████</p>	<p>Plaintiffs' response does not controvert any of the facts set forth in Defendant's statement in Paragraph 16, and those facts should, therefore, be deemed admitted. Local Rule 56.1(c). Instead, Plaintiffs "simply advocate for a different spin on otherwise uncontroverted facts." <i>Hartley</i>, 785 F. Supp. 2d at 170 n.1.</p>

	Defendant's Statement of Undisputed Material Facts	Plaintiffs' Response	Defendant's Reply
	[REDACTED]		
17.	Many suspected Gen. Flynn was himself Q. Ex. 32 at 169:8-170:7; see Ex. 8 at 20- 21. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	Gen. Flynn believes the Q movement is [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	Plaintiffs' response does not controvert any of the facts set forth in Defendant's statement in Paragraph 17, and those facts should, therefore, be deemed admitted. Local Rule 56.1(c). Instead, Plaintiffs "simply advocate for a different spin on otherwise uncontroverted facts." <i>Hartley</i> , 785 F. Supp. 2d at 170 n.1.
18.	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	Gen. Flynn and his family set up a legal defense fund for Gen. Flynn because of the astronomical cost of his legal fees. Jack promoted the legal defense fund on twitter without regard to QAnon. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] He did not know much at all about QAnon when he was promoting the legal defense fund before July 4, 2020. Bolger Ex. 28 at 125:3-128:20.	Plaintiffs' response does not controvert any of the facts set forth in Defendant's statement in Paragraph 18, and those facts should, therefore, be deemed admitted. Local Rule 56.1(c). Instead, Plaintiffs "simply advocate for a different spin on otherwise uncontroverted facts." <i>Hartley</i> , 785 F. Supp. 2d at 170 n.1.
19.	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	No dispute.	Plaintiffs do not dispute these facts, therefore, they are deemed admitted.

	Defendant's Statement of Undisputed Material Facts	Plaintiffs' Response	Defendant's Reply
	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>		
20.	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>Jack would promote, by liking or retweeting, tweets that supported Gen. Flynn.</p> <p>[REDACTED]</p> <p>[REDACTED] Because QAnon followers would share messages in support of Gen. Flynn alongside QAnon hashtags, Jack occasionally promoted tweets in support of Gen. Flynn that included QAnon hashtags. Bolger Ex. 52. [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED] At the time of the July 4, 2020, barbecue Jack did not know anything specific about QAnon at all besides the fact that some QAnon members supported his brother. [REDACTED]</p> <p>[REDACTED]</p>	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>Plaintiffs' response does not controvert any of the facts set forth in Defendant's statement in Paragraph 20, and those facts should, therefore, be deemed admitted. Local Rule 56.1(c). Instead, Plaintiffs "simply advocate for a different spin on otherwise uncontroverted facts." <i>Hartley</i>, 785 F. Supp. 2d at 170 n.1. Plaintiffs' lack of knowledge is not a proper ground for denying a statement, and the facts should, therefore, be deemed admitted on that basis too. <i>Stephens</i>, 356 F. Supp. 2d at 255 n.4.</p>
21.	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	No dispute.	Plaintiffs do not dispute these facts, therefore, they are deemed admitted.

	Defendant's Statement of Undisputed Material Facts	Plaintiffs' Response	Defendant's Reply
	[REDACTED]		
22.	[REDACTED]	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>However, Jack never associated the phrase "Where we go one, we go all" or #WWG1WGA with QAnon. [REDACTED]</p> <p>The #WWG1WGA hashtag appeared alongside various Q and non-Q hashtags in the tweets Jack promoted, including: #QAnon, #TakeTheOath; #MAGA; #ISStandWithGenFlynn; #BlackFriday; #WeThePeople; #AllInForFlynnFriday; #UltimateSacrifice; #ClearFlynnNow; #QArmy; among others.</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED] To Jack it was just another conservative hashtag, [REDACTED]</p>	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>Plaintiffs' response does not controvert any of the facts set forth in Defendant's statement in Paragraph 22, and those facts should, therefore, be deemed admitted. Local Rule 56.1(c). Instead Plaintiffs "simply advocate for a different spin on otherwise uncontroverted facts." <i>Hartley</i>, 785 F. Supp. 2d at 170 n.1. Plaintiffs' lack of knowledge is not a proper ground for denying a statement, and the facts should, therefore, be deemed admitted on that basis too. <i>Stephenny</i>, 356 F. Supp. 2d at 255 n.4.</p>

	Defendant's Statement of Undisputed Material Facts	Plaintiffs' Response	Defendant's Reply
		[REDACTED]	
23.	<p>[REDACTED] Ex. 48 at 3 (tweeting “WWG[]1WGA TO MikeFlynnDefenseFund.org”). [REDACTED]</p>	<p>[REDACTED] At the time of the July 4, 2020, barbecue Jack did not know anything specific about QAnon at all besides the fact that some QAnon members supported his brother. [REDACTED]</p> <p>However, Jack never associated the phrase “Where we go one, we go all” or #WWG1WGA with</p>	<p>Plaintiffs’ response does not controvert any of the facts set forth in Defendant’s statement in Paragraph 23, and those facts should, therefore, be deemed admitted. Local Rule 56.1(c). Instead, Plaintiffs “simply advocate for a different spin on otherwise uncontroverted facts.” <i>Hartley</i>, 785 F. Supp. 2d at 170 n.1. Plaintiffs’ lack of knowledge is not a proper ground for denying a statement, and the facts should, therefore, be deemed admitted on that basis too. <i>Stepheny</i>, 356 F. Supp. 2d at 255 n.4.</p>

[illegible]

¹ Plaintiffs' response did not include a response to any of the screenshots of Jack's tweets in Defendant's Statement of Undisputed Material Facts, and Defendant refers the Court to its opening Rule 56.1 SUMF for those admitted screenshots.

	Defendant's Statement of Undisputed Material Facts	Plaintiffs' Response	Defendant's Reply
	<p>Defense Fund: <i>See id.</i> at 233:18-234:4, 235:23-236:12 & Ex. 58 at 4 (October 2018 retweet of post encouraging donations to the Legal Defense Fund containing #WWG1W[G]A, #AllInForGenFlynnFriday and a link to the Legal Defense Fund's website); Ex. 28 at 240:19-241:7 & Ex. 59 at 5 (November 2018 retweet of post asking for "support" of the Legal Defense Fund with the hashtag #WWG1WGA); Ex. 28 at 89:2-14 & Ex. 43 at 3 (November 2018 retweet of a post by Twitter user with the display name "Trump Q Chick" containing "[T]omorrow isn't just #BlackFriday[.] It's a day to tell @GenFlenn how much #WeThePeople appreciate him!!" with the hashtags #IStandWithGenFlynn, #allinforGenFlynnFriday, #QAnon and #WWG1WGA); Ex. 28 at 245:14- 248:6 & Ex. 60 at 1 (December 2018 retweet of a user with three stars in their display name linking to the Legal Defense Fund along with the hashtags #QArmy and #WWG1WGA [REDACTED]; Ex. 28 at 249:18-250:20 & Ex. 61 at 2 (December 2018 retweet of a post linking to the Legal Defense Fund along with the phrase, "Where We Go One, We Go All!" and the hashtag #AllInForGenFlynnFriday).</p>	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED] At the time of the July 4, 2020, barbecue Jack did not know anything specific about QAnon at all besides the fact that some QAnon members supported his brother. [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED] However, Jack never associated the phrase "Where we go one, we go all" or #WWG1WGA with QAnon. [REDACTED]</p> <p>The #WWG1WGA hashtag appeared alongside various Q and non-Q hashtags in the tweets Jack promoted, including: #QAnon, #TakeTheOath; #MAGA; #IStandWithGenFlynn; #BlackFriday; #WeThePeople; #AllInForFlynnFriday; #UltimateSacrifice; #ClearFlynnNow; #QArmy; among others.</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED] To</p>	<p>Plaintiffs' response does not controvert any of the facts set forth in Defendant's statement in Paragraph 24, and those facts should, therefore, be deemed admitted. Local Rule 56.1(c). Instead, Plaintiffs "simply advocate for a different spin on otherwise uncontroverted facts." <i>Hartley</i>, 785 F. Supp. 2d at 170 n.1. Plaintiffs' lack of knowledge is not a proper ground for denying a statement, and the facts should, therefore, be deemed admitted on that basis too. <i>Stepheny</i>, 356 F. Supp. 2d at 255 n.4.</p>

	Defendant's Statement of Undisputed Material Facts	Plaintiffs' Response	Defendant's Reply
		Jack it was just another conservative hashtag, [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	
25.	Jack continued to share similar posts in 2019 and 2020. See Ex. 28 at 253:14-254:9 & Ex. 62 at 4-5 (September 2019 retweet of posts containing screenshots of donations to the Legal Defense Fund along with the hashtag #WWG1WGA); Ex. 28 at 92:22-94:21 & Ex. 44 at 4 (April 2020 retweet of a tweet “in support of his brother” sharing a tweet from a user with the display name “#ANON ARTS #Q &a BAND OF ANONS #WWG1WGA”); Ex. 28 at 101:18-102:7 & Ex. 46 at 5 (May 2020 retweet of post with the hashtags #ExonerateGeneralFlynnNow, #WWG1WGAWORLDWIDE, and #Q). [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] At the time of the July 4, 2020, barbecue Jack did not know anything specific about QAnon at all besides the fact that some QAnon members supported his brother. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] Plaintiffs’ response does not controvert any of the facts set forth in Defendant’s statement in Paragraph 25, and those facts should, therefore, be deemed admitted. Local Rule 56.1(c). Instead, Plaintiffs “simply advocate for a different spin on otherwise uncontroverted facts.” <i>Hartley</i> , 785 F. Supp. 2d at 170 n.1. Plaintiffs’ lack of knowledge is not a proper ground for denying a statement, and the facts should, therefore, be deemed admitted on that basis too. <i>Stepheny</i> , 356 F. Supp. 2d at 255 n.4.

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		<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>The #WWG1WGA hashtag appeared alongside various Q and non-Q hashtags in the tweets Jack promoted, including: #QAnon, #TakeTheOath; #MAGA; #IStandWithGenFlynn; #BlackFriday; #WeThePeople; #AllInForFlynnFriday; #UltimateSacrifice; #ClearFlynnNow; #QArmy; among others.</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED] To Jack it was just another conservative hashtag, [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	
26.	<p>Jack also shared or retweeted QAnon-related content unrelated to the Legal Defense Fund but that generally promoted Gen. Flynn. For example, in September 2019, Jack retweeted a Twitter user @BlueSkyQ with three stars in their Twitter handle that quoted from a Q Drop “libel laws end of MSM [Mainstream Media]” and screenshots of several different Q Drops along with the hashtag #QAnon. Ex. 28 at 211:5-213:20 & Ex. 56 at 7. [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>Because QAnon followers would share messages in support of Gen. Flynn alongside QAnon hashtags, Jack occasionally promoted tweets in support of Gen. Flynn that included QAnon hashtags. [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>Plaintiffs admit that Jack occasionally promoted tweets in support of Gen. Flynn that included QAnon hashtags. Plaintiffs' response does not controvert any of the facts set forth in Defendant's statement in Paragraph 26, and those facts should, therefore, be deemed admitted. Local Rule 56.1(c). Instead, Plaintiffs “simply advocate for a different spin on otherwise uncontroverted</p>

	Defendant's Statement of Undisputed Material Facts	Plaintiffs' Response	Defendant's Reply
	[REDACTED]		facts.” <i>Hartley</i> , 785 F. Supp. 2d at 170 n.1. Plaintiffs’ lack of knowledge is not a proper ground for denying a statement, and the facts should, therefore, be deemed admitted on that basis too. <i>Stepheny</i> , 356 F. Supp. 2d at 255 n.4.
27.	In July 2020, Jack retweeted a meme containing a photograph of Gen. Flynn, the text “Where We Go One, We Go All,” and quoting from two Q Drops referencing Gen. Flynn. Ex. 28 at 104:6-25; Ex. 41 at 7.	Because QAnon followers would share messages in support of Gen. Flynn alongside QAnon hashtags, Jack occasionally promoted tweets in support of Gen. Flynn that included QAnon hashtags. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] However, Jack never associated the phrase “Where we go one, we go all” or #WWG1WGA with QAnon. [REDACTED] The #WWG1WGA hashtag appeared alongside various Q and	Plaintiffs admit that Jack occasionally promoted tweets in support of Gen. Flynn that included QAnon hashtags. Plaintiffs also admit that Jack used #WWG1WGA to promote Gen. Flynn’s Legal Defense Fund and Jack promoted the #WWG1WGA hashtag alongside various Q hashtags including #QAnon, #TakeTheOath, #QArmy with #IStandWithGenFlynn, #AllInForFlynnFriday, and #ClearFlynnNow. Plaintiffs’ response does not controvert any of the facts set forth in Defendant’s statement in Paragraph 27, and those facts should, therefore, be deemed admitted. Local Rule 56.1(c). Instead, Plaintiffs “simply advocate for a different spin on otherwise uncontroverted facts.” <i>Hartley</i> , 785 F. Supp. 2d at 170 n.1. Plaintiffs’ lack of knowledge is not a proper

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		<p>non-Q hashtags in the tweets Jack promoted, including: #QAnon, #TakeTheOath; #MAGA; #ISStandWithGenFlynn; #BlackFriday; #WeThePeople; #AllInForFlynnFriday; #UltimateSacrifice; #ClearFlynnNow; #QArmy; among others. I [REDACTED] [REDACTED] To Jack it was just another conservative hashtag, [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p>	<p>ground for denying a statement, and the facts should, therefore, be deemed admitted on that basis too. <i>Stephens</i>, 356 F. Supp. 2d at 255 n.4.</p>
28.	<p>On June 24, 2020, 20 minutes after the D.C. Circuit Court of Appeals (temporarily) ordered Judge Sullivan to dismiss the charges against Gen. Flynn, Q posted "The People's General. Soon" followed by three stars. Ex. 84; Ex. 7 at 14. Approximately two hours later, Q posted Drop #4510, Ex. 85.</p>	No dispute.	Plaintiffs do not dispute these facts, therefore, they are deemed admitted.
29.	<p>Shortly thereafter, QAnon followers began filming themselves reciting the oath and posting the video along with #TakeTheOath, #QAnon, and #Qdrop. Ex. 7 at 18. On June 25, 2020, there were 76,600 tweets with #TakeTheOath, many of which had QAnon iconography, used #WWG1WGA, and showed the speaker with Q shirts or Q</p>	No dispute.	Plaintiffs do not dispute these facts, therefore, they are deemed admitted.

	Defendant's Statement of Undisputed Material Facts	Plaintiffs' Response	Defendant's Reply
	flags when they took the oath. Ex. 6 at 15; Ex. 7 at 20-21.		
30.	On June 27, 2020, Gen. Flynn changed the text of his Twitter profile to include #TakeTheOath, along with a U.S. flag emoji. Ex. 6 at 16; Ex. 7 at 21-22.	No dispute.	Plaintiffs do not dispute these facts, therefore, they are deemed admitted.
31.	<p> ████████████████████ ████████████████████ ████████████████████ ████████████████████ ████████████████████ ████████████████████ a tweet by user @wgabrittany (with the username "BrittanyWWG1WGA"), using the hashtags #TakeTheOath, #qanon, #wwg1wga, before concluding with "God bless the United States of America." Ex. 74 at 26. </p>	<p> Leslie was only on Twitter for a short time ██████████ ████████████████████ ████████████████████ Leslie didn't even know what #Q or #WWG1WGA meant; they were just letters to her. ██████████ The first time Leslie heard #WWG1WGA said out loud as the phrase "Where we go one, we go all" was at the July 4th Flynn family barbeque. ██████████ ████████████████████ </p>	<p> Plaintiffs' response does not controvert any of the facts set forth in Defendant's statement in Paragraph 31, and those facts should, therefore, be deemed admitted. Local Rule 56.1(c). Instead, Plaintiffs "simply advocate for a different spin on otherwise uncontroverted facts." <i>Hartley</i>, 785 F. Supp. 2d at 170 n.1. Plaintiffs' lack of knowledge is not a proper ground for denying a statement, and the facts should, therefore, be deemed admitted on that basis too. <i>Stephens</i>, 356 F. Supp. 2d at 255 n.4. </p>
32.	<p> ████████████████████ ████████████████████ ████████████████████ ████████████████████ a tweet by user @CourtSalinas with the hashtags #TakeTheOath and #WWG1WGA and the phrase "God Bless America." <i>Id.</i>; Exs. 70-71. ██████████ ████████████████████ ████████████████████ ████████████████████ </p>	<p> Leslie didn't even know what #Q or #WWG1WGA meant; they were just letters to her. / ██████████ ████████████████████ The first time Leslie heard #WWG1WGA said out loud as the phrase "Where we go one, we go all" was at the July 4th Flynn family barbeque. ██████████ ████████████████████ </p>	<p> Plaintiffs' response does not controvert any of the facts set forth in Defendant's statement in Paragraph 32, and those facts should, therefore, be deemed admitted. Local Rule 56.1(c). Instead, Plaintiffs "simply advocate for a different spin on otherwise uncontroverted facts." <i>Hartley</i>, 785 F. Supp. 2d at 170 n.1. Plaintiffs' lack of </p>

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			knowledge is not a proper ground for denying a statement, and the facts should, therefore, be deemed admitted on that basis too. <i>Stepheny</i> , 356 F. Supp. 2d at 255 n.4.
33.	[REDACTED]	Jack heard about the viral #TakeTheOath challenge on social media because it was “trending” but was unaware of its connection to QAnon. [REDACTED]	Plaintiffs' response does not controvert any of the facts set forth in Defendant's statement in Paragraph 33, and those facts should, therefore, be deemed admitted. Local Rule 56.1(c). Instead, Plaintiffs “simply advocate for a different spin on otherwise uncontroverted facts.” <i>Hartley</i> , 785 F. Supp. 2d at 170 n.1. Plaintiffs' lack of knowledge is not a proper ground for denying a statement, and the facts should, therefore, be deemed admitted on that basis too. <i>Stepheny</i> , 356 F. Supp. 2d at 255 n.4.
34.	On July 1, 2020, three days prior to the Oath Video, Jack retweeted a tweet posted by his sister, Barbara Flynn Redgate, in which she tweeted “So Proud To #TakeTheOath To Defend Our Constitution!” and “Digital Soldiers On The Move! #WWG1WGA God Bless America!” alongside a video of herself participating in #TakeTheOath, and tagging Jack, Gen. Flynn, Lori, Sidney Powell, President Trump, Mary Flynn	Jack and Leslie both received social media messages from Flynn family members that included both #TakeTheOath and #WWG1WGA. However, since neither Jack nor Leslie associated #WWG1WGA with QAnon, these messages would not have conveyed to them any connection between QAnon and #TakeTheOath. [REDACTED]	[REDACTED] Plaintiffs' response does not controvert any of the facts set forth in Defendant's statement in Paragraph 34, and those facts should, therefore, be deemed admitted. Local Rule 56.1(c). Instead, Plaintiffs

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	O'Neill, and @76LibertyWatch. Ex. 28 at 33:14-36:2 & Ex. 41 at 2.	[REDACTED] [REDACTED] [REDACTED]	"simply advocate for a different spin on otherwise uncontroverted facts." <i>Hartley</i> , 785 F. Supp. 2d at 170 n.1. Plaintiffs' lack of knowledge is not a proper ground for denying a statement, and the facts should, therefore, be deemed admitted on that basis too. <i>Stephens</i> , 356 F. Supp. 2d at 255 n.4.
35.	That same day, Jack also retweeted a #TakeTheOath tweet and video posted by user @SharletaBasset1, who tagged Jack, other Flynn family members, and users @BardsFM and @intheMatri Response 35. Jack heard about the viral #TakeTheOath challenge on social media because it was "trending" but was unaware of its connection to QAnon. Bolger Ex. 28 at 32:3-32:16., among others. Ex. 28 at 36:19-37:15 & Ex. 41 at 5.	Jack heard about the viral #TakeTheOath challenge on social media because it was "trending" but was unaware of its connection to QAnon. [REDACTED] [REDACTED]	Plaintiffs' response does not controvert any of the facts set forth in Defendant's statement in Paragraph 35, and those facts should, therefore, be deemed admitted. Local Rule 56.1(c). Instead, Plaintiffs "simply advocate for a different spin on otherwise uncontroverted facts." <i>Hartley</i> , 785 F. Supp. 2d at 170 n.1. Plaintiffs' lack of knowledge is not a proper ground for denying a statement, and the facts should, therefore, be deemed admitted on that basis too. <i>Stephens</i> , 356 F. Supp. 2d at 255 n.4.
36.	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	After General Flynn's legal troubles seemingly ended, his family celebrated his freedom from his charges at a July 4th barbecue. Bolger [REDACTED] [REDACTED] This barbecue that stretched across the adjoining back yards of Jack and Leslie's	Plaintiffs' response does not controvert any of the facts set forth in Defendant's statement in Paragraph 36, and those facts should, therefore, be deemed admitted. Local Rule 56.1(c). Instead, Plaintiffs "simply advocate for a different spin on

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		<p>house and Gen. Flynn's house. [REDACTED] In addition to the hosts, Lori (Gen. Flynn's wife), Joe (Gen. Flynn and Jack's brother), and Valerie (Joe's wife) Flynn were in attendance from the Flynn family. [REDACTED] There were also more distant relatives and nonrelatives at this party. [REDACTED] However, only the six individuals with the last name of Flynn-Gen. Flynn, Lori, Joe, Valerie, Jack and Leslie-participated in filming a #TakeTheOath video. <i>Id.</i> at 17:24-25. Other guests were not invited to join because the Flynnns were participating in the #TakeTheOath trend and saying "Where We Go One, We Go All" as a symbol of family unity after a very trying time had passed. [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p>	<p>otherwise uncontroverted facts." <i>Hartley</i>, 785 F. Supp. 2d at 170 n.1. Plaintiffs' lack of knowledge is not a proper ground for denying a statement, and the facts should, therefore, be deemed admitted on that basis too. <i>Stepheny</i>, 356 F. Supp. 2d at 255 n.4.</p>
37.	<p>[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] The only other people present were Sidney Powell and her son,</p>	<p>Jack heard about the viral #TakeTheOath challenge on social media because it was "trending" but was unaware of its connection to QAnon. [REDACTED] [REDACTED] The first time Leslie heard #WWG1WGA said out loud as the phrase "Where we go one, we go all" was</p>	<p>Plaintiffs' response does not controvert any of the facts set forth in Defendant's statement in Paragraph 37, and those facts should, therefore, be deemed admitted. Local Rule 56.1(c). Instead, Plaintiffs "simply advocate for a different spin on otherwise uncontroverted</p>

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	<p>Wilson. Once the Flynns lined up, Wilson filmed Jack, Leslie, and their family raising their right hands and reciting the federal oath of office and adding "Where We Go One, We Go All" at the end. Compare Ex. 2 with Ex. 85; see also Ex. 28 at 16:10-13, 31:18-20. [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED] The Flynns also added the words "God Bless America," as did other QAnon followers who included those words in their #TakeTheOath Twitter posts, like @WgaBrittany and @CourtSalinas, [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>at the July 4th Flynn family barbeque. [REDACTED]</p> <p>[REDACTED]</p>	<p>facts." <i>Hartley</i>, 785 F. Supp. 2d at 170 n.1. Plaintiffs' lack of knowledge is not a proper ground for denying a statement, and the facts should, therefore, be deemed admitted on that basis too. <i>Stephens</i>, 356 F. Supp. 2d at 255 n.4.</p>
38.	The Flynns filmed the Oath Video twice because "someone said they could resay it better." Ex. 37 at 53:7-12; see also Ex. 28 at 17:20-18:22; Ex. 31 at 30:20-22, 31:13-17.	No dispute.	Plaintiffs do not dispute these facts, therefore, they are deemed admitted.
39.	Gen. Flynn published the Oath Video on Twitter [REDACTED]	No dispute.	Plaintiffs do not dispute these facts, therefore, they are deemed admitted.
40.	[REDACTED]	No dispute.	Plaintiffs do not dispute these facts, therefore, they are deemed admitted.

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41.	[REDACTED]	No dispute.	Plaintiffs do not dispute these facts, therefore, they are deemed admitted.
42.	The Oath Video has been viewed more than 2.4 million times, retweeted 18.9 thousand times, and liked 56.5 thousand times. Ex. 7 at 25; <i>see also</i> Ex. 31 at 30:20-22. Jack quote tweeted General Flynn's tweet to his approximately 108,000 followers and added the words "WWG1WGA," as did other Flynns, including Lori. <i>See</i> Ex. 28 at 55:3-7 & Ex. 42 at 3-4; <i>see also</i> Ex. 32 at 149:7-150:16; Ex. 73 at 2-4. Jack also retweeted Gen. Flynn's tweet. Ex. 42 at 3- 4.	No dispute.	Plaintiffs do not dispute these facts, therefore, they are deemed admitted.

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43.	The Flynn's fundraised for the Legal Defense Fund off the Oath Video. The Oath Video "got a lot of attention and possibly contributed in a positive manner on his [Gen. Flynn's] Legal Defense Fund which became vital to the legal efforts he faced as he headed into the Fall of that year [2020]." Ex. 78 at 8.	No dispute.	Plaintiffs do not dispute these facts, therefore, they are deemed admitted.
44.	Between July 4 and July 5, 2020, Jack continued to retweet strangers' #TakeTheOath posts on Twitter, such as one from Twitter user @theoldbigmoose with the hashtag #WWG1WGA. [REDACTED] [REDACTED] [REDACTED] Similarly, Jack retweeted Twitter user @TEXASrdblock who commented that "Taking the oath standing with @GenFlynn, [Leslie's] dress did steal the limelight" along with #WWG1WGA. Ex. 28 at 67:2-12 & Ex. 42 at 4. The dress Leslie wore in the Oath Video had various terms on it, including "Trump," "Rocket Man," and "Sleepy Joe." Ex. 29 at 43:4-21.	Jack and Leslie both received social media messages from Flynn family members that included both #TakeTheOath and #WWG1WGA. However, since neither Jack nor Leslie associated #WWG1WGA with QAnon, these messages would not have conveyed to them any connection between QAnon and #TakeTheOath. [REDACTED] [REDACTED] [REDACTED]	Plaintiffs admit that they both received social media messages from Flynn family members that included both #TakeTheOath and #WWG1WGA. Plaintiffs' response does not controvert any of the facts set forth in Defendant's statement in Paragraph 44, and those facts should, therefore, be deemed admitted. Local Rule 56.1(c). Instead, Plaintiffs "simply advocate for a different spin on otherwise uncontroverted facts." <i>Hartley</i> , 785 F. Supp. 2d at 170 n.1. Plaintiffs' lack of knowledge is not a proper ground for denying a statement, and the facts should, therefore, be deemed admitted on that basis too. <i>Stephens</i> , 356 F. Supp. 2d at 255 n.4.
45.	In an undated tweet, Jack retweeted a post from a user with the phrase "QmapJapan" in their name that used the hashtags #TakeTheOath and #Q and tagged Jack's Twitter account along with	Because QAnon followers would share messages in support of Gen. Flynn alongside QAnon hashtags, Jack occasionally promoted	Plaintiffs admit that Jack occasionally promoted tweets in support of Gen. Flynn that included QAnon hashtags. Plaintiffs' response does

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	other QAnon figures, including @intheMatrixxx, @TheJTWilde, @prayingmedic, @TheCollectiveQ, and @Qappanon. Ex. 28 at 80:9-81:10 & Ex. 108.	tweets in support of Gen. Flynn that included QAnon hashtags. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	not controvert any of the facts set forth in Defendant's statement in Paragraph 45, and those facts should, therefore, be deemed admitted. Local Rule 56.1(c). Instead, Plaintiffs "simply advocate for a different spin on otherwise uncontroverted facts." <i>Hartley</i> , 785 F. Supp. 2d at 170 n.1. Plaintiffs' lack of knowledge is not a proper ground for denying a statement, and the facts should, therefore, be deemed admitted on that basis too. <i>Stephany</i> , 356 F. Supp. 2d at 255 n.4.
46.	Also on July 4 or 5, 2020, Jack retweeted a photo of Gen. Flynn with a "Q" prominently attached to his lapel, set against green computer code and text stating "The Great Awakening." Ex. 28 at 67:19-69:8 & Ex. 42 at 5.	Because QAnon followers would share messages in support of Gen. Flynn alongside QAnon hashtags, Jack occasionally promoted tweets in support of Gen. Flynn that included QAnon hashtags. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	Plaintiffs admit that Jack occasionally promoted tweets in support of Gen. Flynn that included QAnon hashtags. Plaintiffs' response does not controvert any of the facts set forth in Defendant's statement in Paragraph 46, and those facts should, therefore, be deemed admitted. Local Rule 56.1(c). Instead, Plaintiffs "simply advocate for a different spin on otherwise uncontroverted facts." <i>Hartley</i> , 785 F. Supp. 2d at 170 n.1. Plaintiffs' lack of knowledge is not a proper ground for denying a statement, and the facts should, therefore, be

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			deemed admitted on that basis too. <i>Stephens</i> , 356 F. Supp. 2d at 255 n.4.
47.	<p>For those within the QAnon movement, Gen. Flynn, Jack, Leslie, and their family's participation in #TakeTheOath was seen as public validation of QAnon. Ex. 3 22. Prominent QAnon-affiliated individuals and journalists noted that the timing of the Oath Video and the Q Drop 10 days prior was not coincidental.</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>Plaintiffs' response does not controvert any of the facts set forth in Defendant's statement in Paragraph 47, and those facts should, therefore, be deemed admitted. Local Rule 56.1(c). Instead, Plaintiffs "simply advocate for a different spin on otherwise uncontroverted facts." <i>Hartley</i>, 785 F. Supp. 2d at 170 n.1.</p>
48.	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED] Ex. 37 at 72:9-73:6.</p>	No dispute.	Plaintiffs do not dispute these facts, therefore, they are deemed admitted.
49.	<p>After the online posting of the Oath Video, media entities across the political spectrum reported that the Flynnns took a "QAnon oath" and described WWG1WGA as a "QAnon slogan." Ex. 91. In total, at least 45 news articles and countless social media posts referenced Gen. Flynn taking the QAnon oath. <i>Id.</i>, <i>see, eg</i>, Exs. 93-94. Even Jack and Leslie's purported expert wrote, "Gen. Flynn himself pledged allegiance to QAnon on July 4, 2020, in which he added the phrase to the standard oath of office 'Where we go one we go all.' Flynn then posted the video to Facebook, Twitter, and other platforms</p>	<p>Flynnns were participating in the #TakeTheOath trend and saying "Where We Go One, We Go All" as a symbol of family unity after a very trying time had passed. [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>Plaintiffs' response does not controvert any of the facts set forth in Defendant's statement in Paragraph 49, and those facts should, therefore, be deemed admitted. Local Rule 56.1(c). Instead, Plaintiffs "simply advocate for a different spin on otherwise uncontroverted facts." <i>Hartley</i>, 785 F. Supp. 2d at 170 n.1.</p>

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	ensuring that his oath of allegiance went viral." Ex. 8 at 20.		
50.	On July 6, 2020, General Flynn's lawyer, Sidney Powell, who was also present at the July Fourth barbecue, posted a tweet on behalf of the "Flynn family" containing the bell from <i>White Squall</i> with the QAnon Slogan that previously appeared in a Q Drop. Ex. 28 at 75:12-76:12 & Ex. 109 at 3, <i>see supra</i> 10.	Jack testified that Sidney Powell did not represent him or his wife and was not authorized to speak on their behalf. [REDACTED]	Plaintiffs' response does not controvert any of the facts set forth in Defendant's statement in Paragraph 50, and those facts should, therefore, be deemed admitted. Local Rule 56.1(c). Instead Plaintiffs "simply advocate for a different spin on otherwise uncontroverted facts." <i>Hartley</i> , 785 F. Supp. 2d at 170 n.1.
51.	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] But no member of the Flynn family removed the video from Twitter. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	The Flynnns were participating in the #TakeTheOath trend and saying "Where We Go One, We Go All" as a symbol of family unity after a very trying time had passed. Bolger Ex. 28 at 51:6-20; 56:13-57:4; Bolger Ex. 29 at 31:18-32:9.	Plaintiffs' response does not controvert any of the facts set forth in Defendant's statement in Paragraph 51, and those facts should, therefore, be deemed admitted. Local Rule 56.1(c). Instead, Plaintiffs "simply advocate for a different spin on otherwise uncontroverted facts." <i>Hartley</i> , 785 F. Supp. 2d at 170 n.1.
52.	The Oath Video remained available on Twitter until January 8, 2021, when Gen. Flynn's ([REDACTED]) Twitter accounts were	Lori Flynn does not know why her and Gen. Flynn were kicked off of Twitter	Plaintiffs' response does not controvert any of the facts set forth in Defendant's statement in

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	<p>suspended as part of the post-January 6 suspensions of accounts “primarily dedicated to sharing QAnon content.” Ex. 105; see Ex. 32 at 332:23-333:11; Ex. 31 at 171:3-4. [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED] When Gen. Flynn’s account was reinstated on January 6, 2023, the Oath Video remained on his page and is available for viewing to this day.</p>	<p>on January 8, 2021. [REDACTED]</p> <p>[REDACTED]</p>	<p>Paragraph 51, and those facts should, therefore, be deemed admitted. Local Rule 56.1(c). Plaintiffs’ lack of knowledge is not a proper ground for denying a statement, and the facts should, therefore, be deemed admitted on that basis too. <i>Stephens</i>, 356 F. Supp. 2d at 255 n.4.</p>
53.	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED] On or after July 8, 2020, Jack retweeted a post containing a photo prominently featuring the letter “Q” along with the hashtag #WWG1WGA. Ex. 28 at 114:7-25 & Ex. 47 at 10.</p>	<p>Because QAnon followers would share messages in support of Gen. Flynn alongside QAnon hashtags, Jack occasionally promoted tweets in support of Gen. Flynn that included QAnon hashtags. [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>Plaintiffs admit that Jack occasionally promoted tweets in support of Gen. Flynn that included QAnon hashtags. Plaintiffs’ response does not controvert any of the facts set forth in Defendant’s statement in Paragraph 46, and those facts should, therefore, be deemed admitted. Local Rule 56.1(c). Instead, Plaintiffs “simply advocate for a different spin on otherwise uncontroverted facts.” <i>Hartley</i>, 785 F. Supp. 2d at 170 n.1. Plaintiffs’ lack of knowledge is not a proper ground for denying a statement, and the facts should, therefore, be deemed admitted on that basis too. <i>Stephens</i>, 356 F. Supp. 2d at 255 n.4.</p>
54.	<p>On August 13, 2020, Jack posted a Twitter thread containing “What’s wrong with the statement: Where</p>	<p>No dispute.</p>	<p>Plaintiffs do not dispute these facts, therefore, they are deemed admitted.</p>

	Defendant's Statement of Undisputed Material Facts	Plaintiffs' Response	Defendant's Reply
	We Go 1 We Go All?? ANYONE?? #WWGIWGA," "Anyone have a photo of Kennedy's Brass Deck Bell that shows this statement?", and continued promotion of the Oath Video: "Thank you for posting the Bell! . . . Joe can you repost the oath we took on the 4th? Wilson filmed it." Ex. 28 at 118:2-119:12; FAC ¶ 4 n.1.		
55.	On or around August 14, 2020, Jack tweeted, "Q-Anon Movement? 1. Is this a 'right wing conspiracy theory Group'? 2. 'Pro American Values Centric Mind Set Group'? 3. OTHER? PLEASE offer your own idea of what you think? Your opinion matters. #KAG2020TRUMPVICTORY[.]" Ex. 28 at 388:24-390:14 & Ex. 65 at 2.	No dispute.	Plaintiffs do not dispute these facts, therefore, they are deemed admitted.
56.	On August 20, 2020, Jack tweeted, "There is nothing wrong with QAnon. Just People doing their own research and learning independence of thought to find the truth. If it triggers the daylights out of fools like yourself all the better . . . Don't you get it?? It's so simple~Yet complex. Like a meritage wine." Ex. 28 at 130:18-131:11 & Ex. 49. Jack then quote tweeted that tweet and posted further: "I was told today that QAnons are dangerous people to be aligned with. That there is actually 'no plan.' True or not, most people seem pretty normal to me who support the idea of Q. I advocate for the Constitution and Bill of Rights. [U.S. flag emoji] if	No dispute.	Plaintiffs do not dispute these facts, therefore, they are deemed admitted.

	Defendant's Statement of Undisputed Material Facts	Plaintiffs' Response	Defendant's Reply
	Q does too~No harm no foul" followed by the hashtag #KAG2020 ("Keep America Great"). Ex. 28 at 132:10-133:10 & Ex. 49.		
57.	On August 19, 2020, Jack received an email from a man he met on Twitter, who said, "Once [Gen. Flynn's] case is dismissed, as Q Said 'Fire at will, Commander!' . . . WWG1WGA!!! God bless you all!! God bless America!!!" Ex. 50 at 2. That man then emailed Jack, "Fox news just grilled the press secretary trying to control the narrative and force her to say the president supports Q, and labeling Q followers as conspiracy theorists with possible extreme domestic views" and "That storm must be just right off the coast." <i>Id.</i> at 1; Ex. 28 at 142:11-143:8. Jack responded, "Who knows what Q really is The point is Q hasn't burned building[s] or beaten anyone up," [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	No dispute.	Plaintiffs do not dispute these facts, therefore, they are deemed admitted.
58.	On August 19, 2020, news outlets reported that President Trump praised QAnon supporters, saying, "I heard that these are people that love our country" and that they "like me very much." Ex. 89 at 2.	No dispute.	Plaintiffs do not dispute these facts, therefore, they are deemed admitted.
59.	Two days later, on August 21, 2020, Jack tweeted, "Honestly I ask myself about this Q thing and look for a reason not to trust	No dispute.	Plaintiffs do not dispute these facts, therefore, they are deemed admitted.

	Defendant's Statement of Undisputed Material Facts	Plaintiffs' Response	Defendant's Reply
	<p>anything about it. I don't see Qsters [i.e., "people who believe in [] QAnon"] in the street breaking into buildings claiming real estate pulling down statutes or beating up people in the name of some form of justice or retribution BS." Ex. 28 at 158:22-159:16 & Ex. 51 at 3. He then posted: "I don't know who or what Q is so there's that. But no ones hurting each other it's civilized encouraging people to learn independently supports trump and the constitution. So. WTF. #WWG1WGA": Ex. 28 at 149:8-24 & Ex. 51 at 3. [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>		
60.	<p>That same day, Jack also retweeted a post stating that, "Qanon is not violent or conspiracy. We are every day people seeking truth . . ." and urging "QAnons [to] share and tell your story" <i>Id.</i> at 161:9-162:3 & Ex. 51 at 2.</p>	No dispute.	Plaintiffs do not dispute these facts, therefore, they are deemed admitted.
61.	<p>On or around August 21, 2020, Jack retweeted a post containing a "breakdown" of "QAnon vs.</p>	No dispute.	Plaintiffs do not dispute these facts, therefore, they are deemed admitted.

	Defendant's Statement of Undisputed Material Facts	Plaintiffs' Response	Defendant's Reply
	Antifa" that compared the "mission," "weapons," "tactics," and "beliefs" of each movement, demonstrating the unique centrality of social media to QAnon. Ex. 28 at 170:10-171:4 & Ex. 52 at 14. Under QAnon, the "weapons" listed include "memes"; the "tactics" include "social media info dissemination"; and the "beliefs" include "WWG1WGA (Unity)" and "[t]he media is corrupt" Ex. 28 at 171:2-19 & Ex. 52 at 14. A few days later, Jack would go on to post a tweet critical of CNN with the hashtags #MediaGate, #BanCNN, and #FreeFlynn: Ex. 28 at 177:22-179:5 & Ex. 52 at 9.		
62.	On August 21, 2020, Jack also tweeted asking for explanation on "[w]hat is 8Chan and what is 4Chan" followed by #WWG1WGA, [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	Jack tweeted #FreeFlynn alongside #WWG1WGA.	Plaintiffs' response does not controvert any of the facts set forth in Defendant's statement in Paragraph 62, and those facts should, therefore, be deemed admitted. Local Rule 56.1(c).
63.	On August 22, 2020, Jack quote tweeted a post containing a meme with a U.S. flag, a giant black "Q," and the phrase "Where We Go One We Go All" along with "We are with you Jack!": Ex. 28 at 166:21-167:19, 168:15-19; Ex. 52 at 11. Jack added, "If this means you believe in the constitution and equal justice under the law then this works for me." Ex. 28 at 168:20-169:15; Ex. 52 at 11. [REDACTED] [REDACTED] [REDACTED]	No Dispute.	Plaintiffs do not dispute these facts, therefore, they are deemed admitted.

	Defendant's Statement of Undisputed Material Facts	Plaintiffs' Response	Defendant's Reply
	<p>████████████████████</p> <p>████████████████████</p> <p>████████████████████</p> <p>████████████████████</p>		
64.	On August 23, 2020, Jack tweeted the hashtag #banCNN. Ex. 28 at 178:20-179:2 & Ex. 52 at 9.	No Dispute.	Plaintiffs do not dispute these facts, therefore, they are deemed admitted.
65.	<p>████████████████████</p> <p>████████████████████</p> <p>████████████████████</p> <p>████████████████████</p> <p>████████████████████</p> <p>████████████████████</p> <p>████████████████████</p>	No Dispute.	Plaintiffs do not dispute these facts, therefore, they are deemed admitted.
66.	On February 14, 2022, Jack sent a direct message on Twitter to a user asking them to delete tweets with Flynn and QAnon-related content for "personal reasons." Ex. 28 at 197:2- 198:12 & Ex. 54.	No Dispute.	Plaintiffs do not dispute these facts, therefore, they are deemed admitted.
67.	<p>Leslie also engaged with QAnon content on social media, including "liking" several tweets, ██████████</p> <p>████████████████████</p> <p>████████████████████</p> <p>████████████████████</p> <p>████████████████████</p> <p>████████████████████</p> <p>████████████████████</p> <p>████████████████████</p> <p>████████████████████</p> <p>████████████████████</p> <p>████████████████████</p> <p>████████████████████</p> <p>████████████████████</p> <p>████████████████████</p> <p>████████████████████</p> <p>████████████████████</p> <p>████████████████████</p> <p>████████████████████</p> <p>████████████████████</p> <p>████████████████████</p> <p>████████████████████</p>	<p>Leslie was only on Twitter for a short time because she didn't "understand all the hashtags." ██████████</p> <p>████████████████████ During her time on Twitter, she liked numerous tweets that supported Gen. Flynn, including some tweets that included #WWG1WGA and #Q separately. ██████████</p> <p>████████████████████ She liked tweets because they included references to Gen. Flynn, JFK, and/or Trump not because they included #WWG1WGA of #Q.</p> <p>████████████████████</p> <p>████████████████████ Leslie didn't even know what #Q</p>	Plaintiffs' response does not controvert any of the facts set forth in Defendant's statement in Paragraph 67, and those facts should, therefore, be deemed admitted. Local Rule 56.1(c). Instead, Plaintiffs "simply advocate for a different spin on otherwise uncontroverted facts." <i>Hartley</i> , 785 F. Supp. 2d at 170 n.1. Plaintiffs' lack of knowledge is not a proper ground for denying a statement, and the facts should, therefore, be deemed admitted on that

	Defendant's Statement of Undisputed Material Facts	Plaintiffs' Response	Defendant's Reply
	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>or #WWG1WGA meant; they were just letters to her. [REDACTED] The first time Leslie heard #WWG1WGA said out loud as the phrase "Where we go one, we go all" was at the July 4th Flynn family barbeque. [REDACTED] [REDACTED] Leslie did not hear the term "QAnon" mentioned at the barbecue. [REDACTED]</p>	<p>basis too. <i>Stepheny</i>, 356 F. Supp. 2d at 255 n.4.</p>
68.	<p>On May 9, 2020, prior to the Fourth of July, Leslie Flynn replied to a now-deleted tweet by Jack Flynn, to which a third-party Twitter user replied with a meme containing Gen. Flynn's photo along with "Hurricane Michael Flynn," "#WWG1WGA," and "Q." After May 9, 2020, Leslie also liked that tweet. Ex. 29 at 221:4-23 & Ex. 40; Ex. 28 at 99:7-23 & Ex. 45.</p>	<p>Leslie was only on Twitter for a short time because she didn't "understand all the hashtags." [REDACTED] [REDACTED] During her time on Twitter, she liked numerous tweets that supported Gen. Flynn, including some tweets that included #WWG1WGA and #Q separately. [REDACTED] [REDACTED] She liked tweets because they included references to Gen. Flynn, JFK, and/or Trump not because they included #WWG1WGA or #Q. [REDACTED] [REDACTED] Leslie didn't even know what #Q or #WWG1WGA meant; they were just letters to her. [REDACTED] The first time Leslie heard #WWG1WGA said out loud as the phrase "Where we go one, we go all" was at the July 4th Flynn family barbeque. [REDACTED] [REDACTED] Leslie did</p>	<p>Plaintiffs' response does not controvert any of the facts set forth in Defendant's statement in Paragraph 68, and those facts should, therefore, be deemed admitted. Local Rule 56.1(c). Instead, Plaintiffs "simply advocate for a different spin on otherwise uncontroverted facts." <i>Hartley</i>, 785 F. Supp. 2d at 170 n.1. Plaintiffs' lack of knowledge is not a proper ground for denying a statement, and the facts should, therefore, be deemed admitted on that basis too. <i>Stepheny</i>, 356 F. Supp. 2d at 255 n.4.</p>

	Defendant's Statement of Undisputed Material Facts	Plaintiffs' Response	Defendant's Reply
		not hear the term "QAnon" mentioned at the barbecue. [REDACTED]	
69.	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	No dispute.	Plaintiffs do not dispute these facts, therefore, they are deemed admitted.
70.	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] Jack took a photo, along with Gen. Flynn, holding up Wolski's stickers; the one Jack held up said "Q SENT ME," while a friend held one up that said, "CNN SUCKS": <i>Id.</i> at 436:3-437:12 & Ex. 66; Ex. 102. Jack, Leslie, along with Lori and Gen. Flynn, later took a photo with	No dispute.	Plaintiffs do not dispute these facts, therefore, they are deemed admitted.

	Defendant's Statement of Undisputed Material Facts	Plaintiffs' Response	Defendant's Reply
	Wolski on Jack and Leslie's deck, while Wolski wore a T-shirt that said "Digital Soldier" and "Q." Ex. 28 at 438:2-440:14 & Ex. 110. Jack and Leslie then took another photo with Wolski wearing a "Q" hat (along with Gen. Flynn and Lori): Ex. 28 at 441:20-442:2 & Ex. 67.		
71.	<p>████████████████████ ████████████████████ ████████████████████ ████████████████████</p> <p>Two weeks later, on or around September 16, 2020, he retweeted her post that was supportive of Gen. Flynn and featured a photograph of Wolski wearing a "Q" hat and a "We are The Storm" shirt discussing her visit to the Flynn's house. Ex. 28 at 445:14-446:19, 447:16-17 & Ex. 64 at 4; Ex. 68. ██████████</p> <p>████████████████████ ████████████████████ through August 2021, after which Wolski passed away from COVID-19. ██████████ ████████████████████</p>	No dispute.	Plaintiffs do not dispute these facts, therefore, they are deemed admitted.
72.	████████████████████ ████████████████████ ████████████████████ ████████████████████ ████████████████████ ████████████████████ ████████████████████	No dispute.	Plaintiffs do not dispute these facts, therefore, they are deemed admitted.
73.	On September 10, 2020, Jack received an email from a "General Flynn supporter" who reached out to him online asking, "So you and the whole family believe in Q	No dispute.	Plaintiffs do not dispute these facts, therefore, they are deemed admitted.

	Defendant’s Statement of Undisputed Material Facts	Plaintiffs’ Response	Defendant’s Reply
	<p>anon?” and stating that Joe Flynn “led [her] to believe that Q was okay and it was ‘involved.’” Ex. 28 at 180:18-181:13, 185:7-187:12, 189:15-190:11; Ex. 53. Jack privately expressed some skepticism in an email about QAnon but acknowledged that he “most certainly ask[s] about it and get[s] a reaction from others,” and that he had been “digging into it because so many people follow [us] that are ‘Q’s.’” Ex. 53. Although privately acknowledging in “a personal email” to the individual that Q “actually encourages people to do their own research” and that “its existence and foundation is hog wash,” Ex. 28 at 191:15-22, 195:6-20; Ex. 53, [REDACTED] [REDACTED]</p>		
74.	<p>On October 23, 2020, while the Legal Defense Fund link remained in his bio and his pinned tweet, Jack retweeted a post from a user with display name “w.w.g.l.w.g.a” and username “@wwglwga74768620” tagging Jack and Gen. Flynn and containing a screenshot of Q Drop #1440: “BOOM. BOOM. BOOM. BOOM. A WEEK TO REMEMBER. DARK TO LIGHT. BLACKOUT NECESSARY. Q[.]” Ex. 28 at 199:18-23; Ex. 55 at 3. Over a year prior, the QAnon-associated individual who posted about Q Drops online as @InTheMatrixxx (aka Jeffrey Pedersen) had tweeted about this exact Q Drop and testified that the text of the Q Drop [REDACTED]</p>	<p>Because QAnon followers would share messages in support of Gen. Flynn alongside QAnon hashtags, Jack occasionally promoted tweets in support of Gen. Flynn that included QAnon hashtags. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p>	<p>Plaintiffs admit that QAnon followers supported Gen. Flynn with QAnon hashtags and that Jack occasionally promoted tweets in support of Gen. Flynn that included QAnon hashtags. Plaintiffs’ response does not controvert any of the facts set forth in Defendant’s statement in Paragraph 74, and those facts should, therefore, be deemed admitted. Local Rule 56.1(c). Instead, Plaintiffs “simply advocate for a different spin on otherwise uncontroverted facts.” <i>Hartley</i>, 785 F. Supp. 2d</p>

	Defendant's Statement of Undisputed Material Facts	Plaintiffs' Response	Defendant's Reply
	[REDACTED]		at 170 n.1. Plaintiffs' lack of knowledge is not a proper ground for denying a statement, and the facts should, therefore, be deemed admitted on that basis too. <i>Stephens</i> , 356 F. Supp. 2d at 255 n.4.
75.	<p>In December 2020, Jack retweeted a post promoting clothing sales with the QAnon Slogan "WWG1WGA" and the phrase "#FightLikeAFlynn" that "benefits the [Legal] Defense Fund" on a website called The Shirt Show. Ex. 28 at 263:18-264:14; Ex. 63. [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>Jack occasionally promoted tweets in support of Gen. Flynn that included QAnon hashtags.</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>Plaintiffs admit that Jack occasionally promoted tweets in support of Gen. Flynn that included QAnon hashtags. Plaintiffs' response does not controvert any of the facts set forth in Defendant's statement in Paragraph 75, and those facts should, therefore, be deemed admitted. Local Rule 56.1(c). Instead, Plaintiffs "simply advocate for a different spin on otherwise uncontroverted facts." <i>Hartley</i>, 785 F. Supp. 2d at 170 n.1. Plaintiffs' lack of knowledge is not a proper ground for denying a statement, and the facts should, therefore, be deemed admitted on that basis too. <i>Stephens</i>, 356 F. Supp. 2d at 255 n.4.</p>
76.	<p>The connection between this QAnon merchandise and the Legal Defense Fund was widely reported on prior to the Report, including by Jack and Leslie's purported expert. Ex. 8 at 44; see also Ex. 6</p>	<p>Jack occasionally promoted tweets in support of Gen. Flynn that included QAnon hashtags.</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>Plaintiffs admit that Jack occasionally promoted tweets in support of Gen. Flynn that included QAnon hashtags. Plaintiffs' response does</p>

	Defendant's Statement of Undisputed Material Facts	Plaintiffs' Response	Defendant's Reply
	at 20-21; Ex. 88. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED]	not controvert any of the facts set forth in Defendant's statement in Paragraph 76, and those facts should, therefore, be deemed admitted. Local Rule 56.1(c). Instead, Plaintiffs "simply advocate for a different spin on otherwise uncontroverted facts." <i>Hartley</i> , 785 F. Supp. 2d at 170 n.1. Plaintiffs' lack of knowledge is not a proper ground for denying a statement, and the facts should therefore be deemed admitted on that basis too. <i>Stephens</i> , 356 F. Supp. 2d at 255 n.4.
77.	The connections between the Flynn family and QAnon were known to CNN journalist Donie O'Sullivan before he created the Report at issue. O'Sullivan has followed QAnon for several years, publishing numerous articles and television packages on the movement. Ex. 3 ¶¶ 9, 12-16, 22, 30-31, 38. O'Sullivan was also aware prior to the Report of Q Drop #4510; the fact that General Flynn and his family used QAnon terms to fundraise for the Legal Defense Fund; the #TakeTheOath movement and the Oath Video; that several congressional candidates in the 2020 elections had been labeled QAnon supporters for tweeting or retweeting the QAnon Slogan and/or the Oath Video; and CNN's and other outlets' prior reporting	At the time the Report aired, however, Mr. O'Sullivan hadn't seen Jack or Leslie's social media accounts. Roberts Ex. A. at 37:13-38:16. Even if he had, Mr. Sullivan admits that he knows that retweets are not necessarily endorsements of the original tweets or indicative of an unexpressed belief system related to the tweet. <i>Id.</i> at 15:8-16:8. Moreover, Jack's tweets demonstrated a lack of knowledge as to what QAnon was. Roberts Exs. J, K, L. Mr. Sullivan also admits that just saying "Where we go one, we go all" does not make someone a QAnon	Plaintiffs' response does not controvert any of the facts set forth in Defendant's statement in Paragraph 77, and those facts should therefore be deemed admitted. Local Rule 56.1(c). In addition, the testimony Plaintiffs' do cite is a mischaracterization of O'Sullivan's testimony. Plaintiffs "simply advocate for a different spin on otherwise uncontroverted facts." <i>Hartley</i> , 785 F. Supp. 2d at 170 n.1. Plaintiffs' response should also be disregarded because it is a "conclusory [and] non-responsive objection[]."

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	on the Flynn's Oath Video, which included Sidney Powell's quoted response on the Flynn family. <i>Id.</i> ¶¶ 19-31.	follower. Roberts Ex. A. at 98:14-24.	<i>Hartley</i> , 785 F. Supp. 2d at 170 n.1.
78.	On October 17, 2020, O'Sullivan attended a QAnon convention called Q Con Live! in Scottsdale, Arizona. <i>Id.</i> ¶¶ 32-34. While there, O'Sullivan saw and heard repeated references to and exclamations of "Where We Go One, We Go All"; saw the Q Con Live! attendees' positive response to Trump's refusal to disavow QAnon at the NBC town hall; observed the importance of social media to QAnon; and witnessed Q Con Live! speakers' favorable references to Gen. Flynn. <i>Id.</i> ¶¶ 34-37.	No dispute.	Plaintiffs do not dispute these facts, therefore, they are deemed admitted.
79.	Following O'Sullivan's reporting for CNN on the Capitol riot, he realized that some of the individuals who had attended Q Con Live! also participated in the riot. <i>Id.</i> ¶¶ 40-41. A few weeks later, in early February 2021, O'Sullivan pitched a television news package to CNN's nightly news show, CNN Tonight, seeking to shed new light on the relationship between QAnon and Trump and his enablers, including his reporting from Q Con Live!. <i>Id.</i> ¶¶ 42-44.	Mr. O'Sullivan came up with the idea of writing the script for the Report because "a lot of people wanted to better understand how online conspiracy theories have played into what had happened a few weeks earlier at the Capitol." Roberts Ex. A at 309:22-310:5. He thought footage he had previously gathered from a QAnon Convention event was relevant; it also showed the QAnon Shaman, who had become a symbol of the January 6 attack. <i>Id.</i> at 310:3-5. From its initial conception, Mr. O'Sullivan's intended to use the Report to link	Plaintiffs' response does not controvert any of the facts set forth in Defendant's statement in Paragraph 79, and those facts should, therefore, be deemed admitted. Local Rule 56.1(c). In addition, the testimony Plaintiffs' do cite is a mischaracterization of O'Sullivan's testimony. Plaintiffs "simply advocate for a different spin on otherwise uncontroverted facts." <i>Hartley</i> , 785 F. Supp. 2d at 170 n.1. Plaintiffs' response should also be disregarded because it is a "conclusory [and] non-responsive objection[.]"

	Defendant's Statement of Undisputed Material Facts	Plaintiffs' Response	Defendant's Reply
		Trump and the Flynns to the QAnon followers that participated in the January 6 attack. As he stated: "The inclusion of the Flynns in my story was important because it showed-demonstrated how prominent figures like Michael Flynn and Trump had publicly flirted with QAnon." <i>Id.</i> at 312:10-14.	<i>Hartley</i> , 785 F. Supp. 2d at 170 n.1.
80.	After CNN Tonight accepted the pitch, O'Sullivan began writing the script and determining which elements, such as video, would be featured. <i>Id.</i> ¶¶ 45-46. By the morning of February 4, 2021, O'Sullivan had prepared a draft script that included a two-second clip from the Oath Video showing Gen. Flynn reciting the words, "Where We Go One, We Go All." <i>Id.</i> ¶ 47. The editor assigned to the Report cut those clips based on O'Sullivan's script. <i>Id.</i> ¶ 50.	No dispute.	Plaintiffs do not dispute these facts, therefore, they are deemed admitted.
81.	O'Sullivan chose to include the Oath Video clip because it was newsworthy that a mainstream political figure like Gen. Flynn had promoted the same QAnon Slogan, "Where We Go One, We Go All," used at Q Con Live!. <i>Id.</i> 47-49.	Mr. O'Sullivan testified that he included the Flynns in his story to link them to QAnon. <i>Id.</i> at 312:10-14.	Plaintiffs' response does not controvert any of the facts set forth in Defendant's statement in Paragraph 81, and those facts should, therefore, be deemed admitted. Local Rule 56.1(c). In addition, the testimony Plaintiffs' do cite is a mischaracterization of O'Sullivan's testimony. Plaintiffs "simply advocate for a different spin on otherwise uncontroverted facts."

	Defendant’s Statement of Undisputed Material Facts	Plaintiffs’ Response	Defendant’s Reply
			<i>Hartley</i> , 785 F. Supp. 2d at 170. Plaintiffs’ response should also be disregarded because it is a “conclusory [and] non-responsive objection[.]” <i>Hartley</i> , 785 F. Supp. 2d at 170 n.1.
82	O’Sullivan sent the final script for review to among others, Fuzz Hogan at the Row, CNN’s editorial oversight department, and Emma Lacey-Bordeaux at Standards and Practices, CNN’s department dedicated to ensuring content is consistent with ethical and professional standards. <i>Id.</i> ¶ 61; Ex. 4 ¶¶ 2, 17; Ex. 5 ¶¶ 2-3, 16. The script was approved by Hogan, who confirmed the Report was factually accurate, and Lacey-Bordeaux, who had no concerns with the Report from a Standards and Practices perspective. Ex. 4 ¶¶ 22-33, 35, 37; Ex. 5 ¶¶ 22-27, 29, 31-32. Both Hogan and Lacey-Bordeaux were also aware that “Where We Go One, We Go All” was associated with QAnon, and that it was widely reported that Gen. Flynn and his family had taken a QAnon oath in July 2020. Ex. 4 ¶¶ 25-29; Ex. 5 ¶¶ 22-24. Neither Hogan nor Lacey-Bordeaux flagged the portion of the Report in which the Oath Video appeared as problematic, and O’Sullivan, Hogan, and Lacey-Bordeaux all believed the Report to be fair and accurate. Ex. 3 ¶¶ 49, 61-64, 81; Ex. 4 ¶¶ 4, 31-32, 37-38; Ex. 5 ¶¶ 4, 24, 26, 31-32. O’Sullivan supervised the physical assembly of the Report,	From start to finish, the Report interweaves footage from January 6 and footage from QAnon meetings. The QAnon Shaman is shown numerous times throughout the Report. As Mr. O’Sullivan admits, he included the Clip because he believed it showed the Flynn family “tak[ing] the QAnon pledge.” Roberts Ex. A at 53:9-10. The Flynn’s, Mr. O’Sullivan believed, were “signaling to the QAnon movement” “We’re with you, or solidarity” or even that Gen. Flynn might be Q himself. <i>Id.</i> at 68:6-69:7. At the time the Report aired, however, Mr. O’Sullivan hadn’t seen Jack or Leslie’s social media accounts. <i>Id.</i> at 37:13-38:16. Even if he had, Mr. Sullivan admits that he knows that retweets are not necessarily endorsements of the original tweets or indicative of an unexpressed belief system related to the tweet. <i>Id.</i> at 15:8-16:8. Moreover,	Plaintiffs’ response does not controvert any of the facts set forth in Defendant’s statement in Paragraph 82, and those facts should, therefore, be deemed admitted. Local Rule 56.1(c). Instead, Plaintiffs “simply advocate for a different spin on otherwise uncontroverted facts.” <i>Hartley</i> , 785 F. Supp. 2d at 170 n.1. Plaintiffs’ response should also be disregarded because it is a “conclusory [and] non-responsive objection[.]” <i>Hartley</i> , 785 F. Supp. 2d at 170 n.1.

	Defendant's Statement of Undisputed Material Facts	Plaintiffs' Response	Defendant's Reply
	and saw and approved the complete Report prior to airing. Ex. 3 ¶¶ 39, 50, 69.	Jack's tweets demonstrated a lack of knowledge as to what QAnon was. Roberts Exs. J, K, L. Mr. Sullivan also admits that just saying "Where we go one, we go all" does not make someone a QAnon follower. Roberts Ex. A. at 98:14-24. Nevertheless, he still decided to include the Clip in his Report, but not before cutting out the portions where the Flynn's said an oath to defend the Constitution and "God bless America." <i>Id.</i> at 134:5-12. CNN removed the Clip from the context in which it was created and misleadingly placed it among clips of QAnon gatherings and the January 6 attack because O'Sullivan thought "Flynn, by signaling to QAnon in this way . . . helped enable, encourage this, and contributed to getting us to the place where we were." <i>Id.</i> at 168:7-12.	
83.	After the Report's script was finalized, the Chyron, or a banner that appears on the lower third of the screen, reading "CNN Goes Inside a Gathering of QAnon Followers," was added soon before the Report aired. <i>Id.</i> ¶ 73. O'Sullivan did not create the Chyron, but as a matter of standard practice, the CNN show airing the news package would have	A reasonable viewer could think that the chyron stating "QAnon Followers" was meant to apply to Jack and Leslie because this chyron was displayed while they were on screen and while "Where we go one, we go all" was said, immediately after this phrase had been	Plaintiffs' response does not controvert any of the facts set forth in Defendant's statement in Paragraph 83, and those facts should, therefore, be deemed admitted. Local Rule 56.1(c). Instead, Plaintiffs "simply advocate for a different spin on otherwise

	Defendant’s Statement of Undisputed Material Facts	Plaintiffs’ Response	Defendant’s Reply
	<p>prepared the Chyron, and CNN often runs chyrons during the entirety of news reports. <i>Id.</i> ¶ 74; Ex. 5 ¶ 30. Here, the Chyron’s words were the exact same as those in the Report. Pulling the text of the Chyron from the script of the news package is one of the common ways that chyrons are created. Ex. 3 ¶ 74. O’Sullivan, Lacey-Bordeaux, and Hogan have since reviewed the Chyron, and they believe that it fairly and accurately reflects the Report because of the Report’s overall focus on Q Con Live!, and that it does not call Jack or Leslie QAnon followers. Ex. 3 ¶¶ 74-78; Ex. 4 ¶ 37; Ex. 5 ¶ 31. Additionally, Hogan believes that “the Report was not about Jack or Leslie” and that “[i]t did not allege that Jack or Leslie, or any other member of the Flynn family, had committed any wrongdoing.” Ex. 4 ¶ 33. Similarly, Lacey-Bordeaux believes that “the Report is not about Jack or Leslie,” and that it does not “reference them by name or even include them reciting the oath.” Ex. 5 ¶ 25.</p>	<p>identified as the “QAnon slogan.” Bolger Ex. 1.</p>	<p>uncontroverted facts.” <i>Hartley</i>, 785 F. Supp. 2d at 170 n.1. Plaintiffs’ response should also be disregarded because it is a “conclusory [and] non-responsive objection[.]” <i>Hartley</i>, 785 F. Supp. 2d at 170 n.1.</p>
84.	<p>O’Sullivan, Lacey-Bordeaux, and Hogan believed at the time it was published, and believe now, that the Report was fair and accurate. They also believe that the Report did not depart from the Row’s editorial standards, CNN’s ethical and professional standards and practices, or the standards of care associated with responsible</p>	<p>A reasonable viewer could think that the chyron stating “QAnon Followers” was meant to apply to Jack and Leslie because this chyron was displayed while they were on screen and while “Where we go one, we go all” was said, immediately after this phrase had been identified as the “QAnon</p>	<p>Plaintiffs’ response does not controvert any of the facts set forth in Defendant’s statement in Paragraph 84, and those facts should, therefore, be deemed admitted. Local Rule 56.1(c). Instead, Plaintiffs “simply advocate for a different spin on otherwise uncontroverted facts.”</p>

	Defendant’s Statement of Undisputed Material Facts	Plaintiffs’ Response	Defendant’s Reply
	journalism. Ex. 3 ¶¶ 4, 81; Ex. 4 ¶¶ 4, 37-38; Ex. 5 ¶¶ 4, 32.	slogan.” Bolger Ex. 1. No one from CNN reached out to any of the Flynnns for comment before Report aired. Roberts Ex. A at at 159:14-19. However, CNN did reach out to a QAnon follower known as In The Matrix because this figure was shown speaking in the Report. <i>Id.</i> at 336:10-337:1; Roberts Ex. P. CNN cannot credibly explain why it asked In The Matrix for comment but not the Flynnns.	<i>Hartley</i> , 785 F. Supp. 2d at 170 n.1. Plaintiffs’ response should also be disregarded because it is a “conclusory [and] non-responsive objection[.]” <i>Hartley</i> , 785 F. Supp. 2d at 170 n.1.
85.	The Report aired for the first time on CNN Tonight at 10:45 PM ET on February 4, 2021, and later aired four other times: a CNN Tonight replay at 2:48 AM on February 5, 2021; on CNN Newsroom at 3:49 PM on February 5, 2021; on New Day Saturday at 7:33 AM on February 6, 2021; and on CNN Newsroom at 3:30 PM on February 6, 2021. Ex. 3 ¶¶ 3, 79.	No dispute.	Plaintiffs do not dispute these facts, therefore, they are deemed admitted.
86.	The Report, which is approximately three minutes and 50 seconds, is largely composed of footage of O’Sullivan’s attendance at Q Con Live!. Ex. 1. The Chyron remains at the bottom of the screen during the entirety of the Report, including O’Sullivan’s interview with Don Lemon on air after the Report concludes. <i>Id.</i> ; Ex. 3 ¶ 73. The Report opens with several statements at Q Con Live! Criticizing the mainstream media, before flashing to footage of	The Report begins by showing clips of a room of QAnon followers alongside a chyron that stated: “CNN GOES INSIDE A GATHERING OF QANON FOLLOWERS.” The Report then identifies one attendee-who is shirtless, has his face painted, and is wearing a horned headdress-as the QAnon Shaman. The Report then	Plaintiffs’ response does not controvert any of the facts set forth in Defendant’s statement in Paragraph 86, and those facts should, therefore, be deemed admitted. Local Rule 56.1(c). Instead, Plaintiffs “simply advocate for a different spin on otherwise uncontroverted facts.” <i>Hartley</i> , 785 F. Supp. 2d at 170 n.1. Plaintiffs’

	Defendant’s Statement of Undisputed Material Facts	Plaintiffs’ Response	Defendant’s Reply
	<p>O’Sullivan wearing a mask at Q Con Live!. Ex. 1. Within the first 20 seconds of the Report, O’Sullivan explains that the footage was from “this gathering of QAnon followers in Arizona just two weeks before November’s election.” <i>Id.</i> The Report then shows the QAnon Shaman at Q Con Live! followed by an image of him at the January 6 attack. Next, the Report features J.T. Wilde playing his song “Where We Go One, We Go All” at Q Con Live!; O’Sullivan then describes that phrase as an “infamous QAnon slogan promoted by Trump’s first national security adviser, Michael Flynn” that was also “played as an anthem at this meeting of Trump supporters [Q Con Live!].” <i>Id.</i> During O’Sullivan’s explanation, the Report shows photos of the phrase in full, abbreviated as “#WWG1WGA,” and printed, with the letter “Q,” on large flags, followed by a clip of Gen. Flynn with Trump at a campaign rally. <i>Id.</i> O’Sullivan’s statement is then followed with a two- second clip of the Oath Video, showing Gen. Flynn reciting, “Where We Go One, We Go All,” which was fonted-meaning, credited-to Gen. Flynn’s Twitter with the words “Twitter/Michael Flynn July 2020.” <i>Id.</i> Jack and Leslie, who are not named, are also visible in the clip, but are not shown speaking any words. <i>Id.</i> The Report does not describe QAnon as a “cult,” nor does it mention</p>	<p>states the QAnon Shaman stormed the Capitol on January 6 and shows images of the QAnon Shaman in the Capitol. The Report describes the phrase “Where we go one, we go all” as the “infamous QAnon slogan promoted by Trump’s first national security adviser, Michael Flynn” before immediately cutting to a two second clip from the Flynn family’s #TakeTheOath video (the “Clip”). The Clip shows Gen. Flynn leading Lori, Jack, Leslie, Joe, and Valorie in saying “Where we go one, we go all” with their right hands raised. The Report continues to display the chyron about “QANON FOLLOWERS” when the Clip is played. After the Clip, the Report shows the QAnon Shaman again. Next a speaker at a QAnon meeting declares, ‘We are at war now and we in this room understand that very, very much.’ Additional video of the QAnon Shaman on both January 6 and from this meeting is shown thereafter. The Report interposes violent rhetoric from a QAnon gathering with footage from the January 6 attack. The QAnon Shaman is shown</p>	<p>response should also be disregarded because it is a “conclusory [and] non-responsive objection[.]” <i>Hartley</i>, 785 F. Supp. 2d at 170 n.1.</p>

	Defendant's Statement of Undisputed Material Facts	Plaintiffs' Response	Defendant's Reply
	anything about a high-ranking government insider known as Q exposing a cabal of Satan-worshipping pedophiles which controls the government. <i>Id.</i>	again. A commentator explains that the people at the meeting “felt like they were part of something big and revolutionary and that they were opposing absolute evil.” Mr. O’Sullivan appears on screen and describes QAnon as a movement that gives license to hate, racism, and anti-Semitism. See generally Bolger Ex. 1.	
87.	The Report also shows Q Con Live! attendees cheering Trump’s refusal to disavow QAnon during a town hall with journalist Savannah Guthrie. <i>Id.</i> The Report also identified prominent figures in the QAnon movement and closes with O’Sullivan’s interview with Travis View, the host of a QAnon podcast, and a final shot of J.T. Wilde singing “Where We Go One, We Go All.” <i>Id.</i> After the Report concluded, Lemon interviewed O’Sullivan, focusing exclusively on Q Con Live! and January 6, and made no mention of Jack and Leslie. <i>Id.</i> at 3:51-5:52.	Shortly after Jack and Leslie are shown onscreen with a chyron that said “QAnon Followers,” Mr. O’Sullivan appears on screen and describes QAnon as a movement that gives license to hate, racism, and anti-Semitism. See generally Bolger Ex. 1.	Plaintiffs’ response does not controvert any of the facts set forth in Defendant’s statement in Paragraph 87, and those facts should, therefore, be deemed admitted. Local Rule 56.1(c). Instead, Plaintiffs “simply advocate for a different spin on otherwise uncontroverted facts.” <i>Hartley</i> , 785 F. Supp. 2d at 170 n.1. Plaintiffs’ response should also be disregarded because it is a “conclusory [and] non-responsive objection[.]” <i>Hartley</i> , 785 F. Supp. 2d at 170 n.1.
88.	[REDACTED] In her	[REDACTED]	Plaintiffs’ response does not controvert any of the facts set forth in Defendant’s statement in Paragraph 88, and those facts should, therefore, be deemed admitted. Local Rule 56.1(c). Instead, Plaintiffs “simply

[illegible]

	Defendant's Statement of Undisputed Material Facts	Plaintiffs' Response	Defendant's Reply
	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] When asked if he was seeking damages for medical harm as a result of the Report, he stated he would have to speak to his attorney, and never got back to CNN on the issue. <i>Id.</i> at 372:1-374:4; Bolger Dec. ¶ 122.		
91.	Though originally claiming they were entitled to actual and special damages in their FAC ¶ 29, [REDACTED]	The Report damaged Leslie emotionally and affected her health by causing her to be anxious and depressed that people thought she was in QAnon. [REDACTED] On Twitter, Jack has been harassed by people who think his is a QAnon follower because of the CNN Report. [REDACTED] [REDACTED] Pickleball players and members of his community began keeping their distance from Jack and Leslie after the CNN Report aired. [REDACTED] [REDACTED] Jack is fearful and uncomfortable being in his community because people stare and talk about him. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	Plaintiffs' response does not controvert any of the facts set forth in Defendant's statement in Paragraph 91, and those facts should, therefore, be deemed admitted. Local Rule 56.1(c). Instead, Plaintiffs "simply advocate for a different spin on otherwise uncontroverted facts." <i>Hartley</i> , 785 F. Supp. 2d at 170 n.1. Plaintiffs' response should also be disregarded because it is a "conclusory [and] non-responsive objection[]." <i>Id.</i>

	Defendant's Statement of Undisputed Material Facts	Plaintiffs' Response	Defendant's Reply
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92.	On March 25, 2021, Jack and Leslie sued CNN in this Court, bringing claims for defamation <i>per se</i> and false light invasion of privacy based on the allegation that the Report falsely accused them of being a “QAnon follower.” Dkt. 1.	No dispute.	Plaintiffs do not dispute these facts, therefore, they are deemed admitted.
93.	On May 7, 2021, Jack and Leslie filed the FAC, again alleging defamation <i>per se</i> and false light invasion of privacy. Dkt. 7.	No dispute.	Plaintiffs do not dispute these facts, therefore, they are deemed admitted.
94.	On June 21, 2021, CNN moved to dismiss the FAC. Dkt. 17-19. On October 14, 2021, Magistrate Judge Sarah L. Cave held a hearing on CNN’s motion to dismiss. Dkt. 33.	No dispute.	Plaintiffs do not dispute these facts, therefore, they are deemed admitted.
95.	On October 22, 2021, Magistrate Judge Cave issued a report and recommendation (“R&R”) recommending dismissal with prejudice of Jack and Leslie’s defamation <i>per se</i> and false light claims under Rhode Island law. Dkt. 38. As for the defamation <i>per se</i> claim, the R&R concluded that to the extent the Report called Jack and Leslie QAnon followers, that claim was neither “substantially false nor defamatory,” because “by their own statements, both in the [FAC] and in ... Twitter feeds ... [Jack and Leslie] connected themselves to QAnon, and therefore, cannot plausibly allege that CNN’s statements were	No dispute.	Plaintiffs do not dispute these facts, therefore, they are deemed admitted.

	Defendant's Statement of Undisputed Material Facts	Plaintiffs' Response	Defendant's Reply
	substantially false.” Id. at 33. The R&R also concluded that Jack and Leslie failed to allege that, under a negligence standard, CNN “lacked reasonable grounds for believing the truth of the statement that they were QAnon followers.” Id. at 35. The R&R further concluded that the statement “QAnon follower” was not defamatory per se, and Jack and Leslie failed to plead special damages. Id. at 37-38. As for the false light claim, the R&R concluded that “given their own statements sharing and following the opinions of QAnon,” Jack and Leslie cannot “plausibly allege” that the Report “implied an association which does not exist,” and therefore did not adequately plead that claim. Id. at 40.		
96.	On November 5, 2021, Jack and Leslie objected to the R&R, Dkt. 39, to which CNN responded. Dkt. 40-41.	No dispute.	Plaintiffs do not dispute these facts, therefore, they are deemed admitted.
97.	On December 16, 2021, this Court issued a memorandum opinion and order adopting the R&R in part and rejecting it in part. Dkt. 42. This Court dismissed Jack and Leslie’s defamation per se claim but held that their false light claim was adequately pleaded. Id.	No dispute.	Plaintiffs do not dispute these facts, therefore, they are deemed admitted.
98.	On December 30, 2021, CNN filed a motion for partial reconsideration of the Court’s December 16, 2021, Order to the extent it reversed the R&R’s dismissal of the false light claim and reversed the R&R’s conclusion that Jack and Leslie	No dispute.	Plaintiffs do not dispute these facts, therefore, they are deemed admitted

	Defendant's Statement of Undisputed Material Facts	Plaintiffs' Response	Defendant's Reply
	had not adequately pleaded negligence. Dkt. 49.		
99.	On January 14, 2022, CNN answered the FAC. Dkt. 52.	No dispute.	Plaintiffs do not dispute these facts, therefore, they are deemed admitted.
100.	On February 9, 2022, and March 3, 2022, respectively, Valerie Flynn (the wife of Jack's brother Joe) and Lori Flynn (Gen. Flynn's wife) sued CNN in the Middle District of Florida, bringing claims for defamation <i>per se</i> and defamation-by- implication based on the allegation that the Report falsely accused them of being "QAnon followers" (the "MDFL Actions"). <i>See Valerie Flynn v. CNN</i> , No. 8:22-cv- 00343 (M.D. Fla.), Dkt. 1; <i>Lori Flynn v. CNN</i> , No. 8:22-cv-00512 (M.D. Fla.), Dkt. 1.	No dispute.	Plaintiffs do not dispute these facts, therefore, they are deemed admitted.
101.	On August 12, 2022, this Court granted in part and denied in part CNN's motion for partial reconsideration, holding that at the pleading stage, Jack and Leslie had plausibly alleged falsity for purposes of their false light claim. Dkt. 65. The Court "[took] no position on whether, at a later stage in the case, a factfinder may discredit" Jack and Leslie's allegations that the Oath Video, and their recitation of the QAnon Slogan, was associated with QAnon. <i>Id.</i> at 8-9. On reconsideration, the Court also voided the portion of its December 16, 2021, Order holding that Jack and Leslie plausibly alleged CNN's negligence for purposes of their defamation claim. <i>Id.</i> at 11-	No dispute.	Plaintiffs do not dispute these facts, therefore, they are deemed admitted.

	Defendant's Statement of Undisputed Material Facts	Plaintiffs' Response	Defendant's Reply
	12. Discovery then proceeded in this action.		

RESPONSE TO PLAINTIFFS' STATEMENT OF ADDITIONAL FACTS

The Parties

102. At the time of filing the First Amended Complaint ("FAC"), Dkt. 7, Jack and Leslie were citizens of Rhode Island. FAC 8. J [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
CNN blatantly mischaracterized Leslie's testimony in its Statement of Undisputed Material Facts, Dkt. 180, ("Def.'s SUMF") at ¶ 2.

Defendant's Response: *Disputed* that Leslie was a citizen of Rhode Island at the time of filing the First Amended Complaint ("FAC"); [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Undisputed as to the remaining statements.

Undisputed as to the remaining statement.

Defendant's Response: *Undisputed* that CNN owns and operates numerous news

platforms and services, including the television network known as CNN and the website www.cnn.com, and that CNN reporter Donie O’Sullivan wrote the script for the Report.

Disputed that Mr. O’Sullivan produced the Report, as Ashley Van Sant and Tiffany Anthony were assigned to produce the Report. *See* Bolger Ex. 3 ¶¶ 45-46.

Disputed that Mr. O’Sullivan believes that “QAnon is dangerous, absolutely,” because the cited evidence does not support this statement and misrepresents testimony. Mr. O’Sullivan was asked whether he agreed with the statements made about QAnon in a CNN special report not at issue in this case. Mr. O’Sullivan testified, “A lot of people get kind of sucked into these rabbit holes of misinformation, QAnon online, and they’re not violent, they’re not anti-Semitic, and they’re not necessarily mentally ill or crazy or go on and take part in a dangerous and violent insurrection. I think that a lot of people get sucked into these things are victims. **But I still think, you know, the broader umbrella of that is QAnon is dangerous, absolutely.** And particularly because it, you know, pulls people into just a very dark frame of mind, I think, which could lead to violence or could, at least, lead to one condoning violence.” Roberts Ex. A at 31:15-33:18.

QAnon, Generally

105. "QAnon" is a conspiracy movement that began in 2017. It centers on the belief that a high-ranking government official(s) called "Q" is leaking secret information on online message boards in the form of coded messages. *Id.* at 53:1854:4; 66:14-22. Q's online posts are called "Q drops"; there are thousands of them. *Id.* at 66:14-22.

Defendant’s Response: *Undisputed.*

106. QAnon followers hold a series of outlandish beliefs that have grown out of these Q drops. "These views center on the idea that a cabal of Satan-worshipping pedophiles mainly consisting of what they see as elitist Democrats, politicians, journalists, entertainment moguls and other institutional figures have long controlled much of the so-called deep state government, which they say sought to undermine President Trump, mostly with aid of media and entertainment outlets." Roberts Ex. A at 20:21-21:21. This "secret global cabal of Democrats and celebrities ... worship Satan[,] sexually abuse[] children and dr[ink] their blood in order to ingest a chemical called adrenochrome." *Id.* at 90:3-16. Trump

is a messianic figure in QAnon. *Id.* at 88:11-19. Some QAnon followers "believe there's a lineage ... from JFK, Trump through to our Lord Jesus Christ." *Id.* at 36:7-25.

Defendant's Response: *Undisputed* that Mr. O'Sullivan testified that, "Depending on the [QAnon] followers you speak to, there's a different set of beliefs on how JFK plays into all of this ... Others [] believe that JFK actually wasn't assassinated and others believe there's a lineage with, you know, from JFK, Trump through to our Lord Jesus Christ." Roberts Ex. A at 36:12-25.

Disputed as to the remaining statements, because the cited evidence does not support these statements and mischaracterizes testimony. In the deposition testimony cited at Roberts Ex. A at 20:21-21:21, the quoted statement comes from Plaintiffs' counsel reading an excerpt from a *Wall Street Journal* article, not Mr. O'Sullivan's testimony. In the deposition testimony cited at Roberts Ex. A at 90:3-16, the quoted statement was part of a question by Plaintiffs' counsel referencing "one of [QAnon's] tenets." In the deposition testimony cited at Roberts Ex. A at 88:11-19, Mr. O'Sullivan's full answer refers to a point made in a different CNN report not at issue in this case: "I would have added, and I think it gets into the piece, you know, the election stuff also, but that kind of gets, you know, to the point Anderson [Cooper] made here [in a different CNN report not at issue] that Trump is a messianic figure. It certainly touches on a lot of what people who like QAnon might follow."

107. In a CNN special report entitled "Inside the QAnon Conspiracy" that aired on January 31, 2021, "CNN called QAnon a deranged conspiracy cult. CNN stated that some of Q's conspiracy claims were actually based on age-old racist and anti-Semitic beliefs. CNN asserted that QAnon, like the Nazis, promoted ancient and dark biases and bigotry in world history. CNN stated that QAnon supporters were detached from reality and had an utter disregard for the facts. CNN alleged that QAnon followers were mentally ill and crazy. CNN concluded that it was abundantly clear that QAnon was a dangerous and violent movement, a movement that has become insurrectionist." *Id.* at 30:22-31:9. Mr. O'Sullivan, who has extensively reported on QAnon and is an expert in the field of online misinformation believes this CNN special report described QAnon in a generally accurate way. *Id.* at 11:11-11:24; 30:20-35:17; 39:16-40:22.

Defendant's Response: *Undisputed* that Mr. O'Sullivan testified that he has extensively reported on QAnon and is an expert in the field of online misinformation.

Disputed as to the remaining statements because the cited evidence does not support these statements and misrepresents testimony. The deposition testimony cited at Roberts Ex. A at 30:22-31:9 does not reference the factual statements made in the preceding sentences. To the extent Plaintiffs intended to cite "31:22-32:9," those portions reference Plaintiffs' counsel's recitation of an excerpt from Plaintiffs' First Amended Complaint ("FAC"), not Mr. O'Sullivan's testimony. *Id.* 30:7-9, 31:20-21. None of the cited deposition testimony supports that Mr. O'Sullivan believed the separate "CNN special report described QAnon in a generally accurate way." Mr. O'Sullivan testified, "I think ... parts of it are accurate ... I didn't write that report or that script. So I don't have the context here for everything." *Id.* 32:13-19. Mr. O'Sullivan also testified that he "wouldn't necessarily use the[] words" that the CNN special report used to describe QAnon. *Id.* 34:9-18.

108. Mr. O'Sullivan believes "QAnon is dangerous, absolutely . . . [I]t . . . pulls people into just a very dark frame of mind, I think, which could lead to violence or could, at least, lead to one condoning violence." *Id.* at 33:12-20. In the Report, he states that QAnon gives license to hate, racism, and anti-Semitism. Bolger Ex. 1. In a February 2, 2021 email he states "QAnon had become, like a religion." Roberts Ex. N.

Defendant's Response: *Disputed* that Mr. O'Sullivan believes that "QAnon is dangerous, absolutely," because the cited evidence misrepresents testimony. In response to questions questioning about a CNN special report not at issue in this case, Mr. O'Sullivan was asked whether he agreed with the statements made about QAnon in that report. Mr. O'Sullivan testified, "A lot of people get kind of sucked into these rabbit holes of misinformation, QAnon online, and they're not violent, they're not anti-Semitic, and they're not necessarily mentally ill or crazy or go on and take part in a dangerous and violent insurrection. I think that a lot of people get sucked into these things are victims. **But I still think, you know, the broader umbrella of that is QAnon is**

dangerous, absolutely. And particularly because it, you know, pulls people into just a very dark frame of mind, I think, which could lead to violence or could, at least, lead to one condoning violence.” Roberts Ex. A at 31:15-33:18.

Disputed as to Plaintiffs’ characterization of the Report, as the contents of the Report speak for itself.

Disputed as to Plaintiffs’ characterization of Roberts Ex. N, as the full context of the email from Mr. O’Sullivan discusses how the Q Con Live! footage “gives a real good insight into how much QAnon followers looked to Trump for guidance, viewed him as supporting them, and it also shows how much of a big thing Q[A]non had become, like a religion, in this video there are people singing QAnon songs.”

109. Posting about Q drops on social media is central to the QAnon movement, as it greatly increased the movement's reach and visibility. Def.'s SUMF ¶ 5.

Defendant’s Response: *Undisputed.*

110. QAnon followers, specifically the QAnon Shaman (the man in the horned headdress), were highly visible figures in the attack on the Capitol that occurred on January 6, 2021. Roberts Ex. A at 173:8-20.

Defendant’s Response: *Disputed* as to Plaintiffs’ characterization of Mr. O’Sullivan’s testimony as stating that “QAnon followers” were “highly visible figures” in the January 6 attack. At Roberts Ex. A at 173:8-20, Mr. O’Sullivan testified, the Report “made clear that the *likes of the QAnon Shaman* had gone on to storm the Capitol [on January 6].” Mr. O’Sullivan then testified that he disagreed that the Report treated “everybody” it featured as “QAnon followers.” *Id.* 173:21-25.

111. CNN was aware that the FBI had labelled QAnon as a domestic terrorist threat when it published the Report. *Id.* at 76:12-19. QAnon has been the subject of significant negative media coverage. Roberts Exs. B-H. And has been condemned by a congressional resolution. Roberts Ex. I

Defendant’s Response: *Undisputed.*

The Phrase "Where We Go One, We Go All" and #WWG1WGA

112. The phrase "Where We Go One, We Go All" originates in the 1996 film *White Squall*. Roberts Ex. A at 73:5-10. In that movie the phrase appears on a bell on a ship named the Albatross. Jack had originally learned of the phrase when he watched *White Squall*. [REDACTED]

Defendant's Response: *Undisputed* as to the phrase "Where We Go One, We Go All"

originating in the 1996 film *White Squall*, and as to that phrase appearing on a bell on a ship named the Albatross in that movie.

Disputed that Jack had originally "learned" of the phrase when he watched *White Squall*.

As Jack testified, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

113. [REDACTED] On Twitter, the phrase is sometimes abbreviated by the hashtag #WWG1WGA and has become associated with QAnon.

Defendant's Response: *Undisputed*.

114. [REDACTED]
- [REDACTED]
- [REDACTED] Because this was the first time Leslie had heard that phrase, she viewed it as a family oath.
- [REDACTED]

Defendant's Response: *Disputed* [REDACTED]

[REDACTED]

[REDACTED]

he retweeted a #TakeTheOath post from a user using the hashtags #TakeTheOath and #Q and tagging several QAnon accounts; [REDACTED]

[REDACTED] and that Jack repeatedly shared strangers' #TakeTheOath posts [REDACTED]

Jack Promoted Tweets In Support Of Gen. Flynn

115. Jack would promote, by liking or retweeting, tweets that supported Gen. Flynn. [REDACTED] Because QAnon followers would share messages in support of Gen. Flynn alongside QAnon hashtags, Jack occasionally promoted tweets in support of Gen. Flynn that included QAnon hashtags. Bolger Ex. 52. [REDACTED]

[REDACTED] At the time of the July 4, 2020, barbecue Jack did not know anything specific about QAnon at all besides the fact that some QAnon members supported his brother. [REDACTED]

Defendant's Response: *Undisputed* that Jack promoted, by liking or retweeting, tweets that supported Gen. Flynn, that he testified as quoted, and that he promoted tweets in support of Gen. Flynn that included QAnon hashtags.

Disputed that this promotion was "occasional," and that at the time of the July 4, 2020, barbecue, Jack did not know anything specific about QAnon at all besides the fact that some QAnon members supported his brothers. The undisputed record indicates that as early as 2018 and spanning to the July 2020 barbecue, Jack publicly retweeted WWG1WGA, along with other QAnon-associated terms, like #QArmy, and quotes from Q Drops, SUMF ¶¶ 20, 24-27, and that he was aware of the QAnon #TakeTheOath movement in the lead-up to his participation, *id.* ¶¶ 33-35.

116. [REDACTED]

However, Jack never associated the phrase "Where we go one, we go all" or #WWG1WGA with QAnon. The #WWG1WGA hashtag appeared alongside various Q and non-Q hashtags in the tweets Jack promoted, including: #QAnon, #TakeTheOath; #MAGA; #ISStandWithGenFlynn; #BlackFriday; #WeThePeople; #AllInForFlynnFriday; #UltimateSacrifice; #ClearFlynnNow; #QArmy; among others. To Jack it was just another conservative hashtag,

Defendant's Response: *Undisputed*

[REDACTED]; that the #WWG1WGA hashtag appeared alongside various hashtags; and that Jack testified as quoted.

Disputed

Leslie Was Unfamiliar with QAnon and #WWG1WGA

117. Leslie was only on Twitter for a short time because she didn't "understand all the hashtags." B [REDACTED] During her time on Twitter, she liked numerous tweets that supported Gen. Flynn, including some tweets that included #WWG1WGA and #Q separately. Bolger Ex. 39. She liked tweets because they included references to Gen. Flynn, JFK, and/or Trump not because they included #WWG1WGA or #Q. [REDACTED] Leslie didn't even know what #Q or #WWG1WGA meant; they were just letters to her. [REDACTED] The first time Leslie heard #WWG1WGA said out loud as the phrase "Where we go one, we go all" was at the July 4th Flynn family barbeque. [REDACTED] Leslie did not hear the term "QAnon" mentioned at the barbecue. [REDACTED]

Defendant's Response: *Disputed* as to Leslie liking tweets because they included references to Gen. Flynn, JFK, and/or Trump not because they included #WWG1WGA or #Q, because the cited testimony excerpts do not support the statements.

Undisputed as to the remaining statements.

The #TakeTheOath Movement Goes Viral

118. On June 24, 2020, after the D.C. Circuit Court of Appeals ordered Judge Sullivan to dismiss the charges against Gen. Flynn, someone posting under the online pseudonym of Q advised his readers to take the constitutional oath of office followed by the phrase "Where We Go One, We Go All." Def.'s SUMF ¶ 28. QAnon followers then began filming themselves reciting the oath and posting the video along with the hashtag #TakeTheOath. *Id.* at ¶ 29. By June 25, 2020, there were already 76,600 tweets with the hashtag #TakeTheOath. *Id.* at ¶ 29. The hashtag had gone viral and had spread beyond Q readers. *Id.* at ¶¶ 29, 31 and 32.

Defendant's Response: *Disputed* as to the #TakeTheOath hashtag having "spread beyond Q readers" in late June 2020. The cited portions of Defendant's SUMF make clear that tweets using the #TakeTheOath hashtag at this time featured "QAnon iconography, used #WWG1WGA, and showed the speaker with Q shirts or Q flags when they took the oath." SUMF ¶ 29; *see id.* ¶ 31 (user @wgabrittany (with the username "BrittanyWWG1WGA" using #TakeTheOath alongside #qanon).

Undisputed as to the remaining statements.

119. Jack heard about the viral #TakeTheOath challenge on social media because it was "trending" but was unaware of its connection to QAnon. [REDACTED] Jack and Leslie both received social media messages from Flynn family members that included both #TakeTheOath and #WWG1WGA. Bolger Ex. 41; Def.'s SUMF at ¶ 32. However, since neither Jack nor Leslie associated #WWG1WGA with QAnon, these messages would not have conveyed to them any connection between QAnon and #TakeTheOath. [REDACTED]

Defendant's Response: *Disputed* that Jack was unaware of the connection between the viral #TakeTheOath challenge and QAnon and that he did not associate #WWG1WGA with QAnon, [REDACTED]

Disputed as to the characterization that “these messages would not have conveyed to [Jack and Leslie] any connection between QAnon and #TakeTheOath” because it is purely speculative and not supported by citation to any admissible, non-conclusory evidence, and must therefore be disregarded. *See Major League Baseball*, 542 F.3d at 306 (“The non-moving party [on summary judgment] may not rely on conclusory allegations or unsubstantiated speculation.” (citation, internal quotation marks, and alterations omitted)).

Undisputed as to the remaining statements.

A. Jack and Leslie Say "Where We Go One, We Go All" as Symbol of Family Unity.

120. After General Flynn's legal troubles seemingly ended, his family celebrated his freedom from his charges at a July 4th barbecue. [REDACTED] This barbecue that stretched across the adjoining back yards of Jack and Leslie's house and Gen. Flynn's house. [REDACTED]

Defendant's Response: *Undisputed.*

121. In addition to the hosts, Lori (Gen. Flynn's wife), Joe (Gen. Flynn and Jack's brother), and Valerie (Joe's wife) Flynn were in attendance from the Flynn family. [REDACTED] There were also more distant relatives and nonrelatives at this party. [REDACTED] However, only the six individuals with the last name of Flynn-Gen. Flynn, Lori, Joe, Valerie, Jack and Leslie-participated in filming a #TakeTheOath video. [REDACTED] Other guests were not invited to join because the Flynnns were participating in the #TakeTheOath trend and saying "Where We Go One, We Go All" as a symbol of family unity after a very trying time had passed. [REDACTED]
[REDACTED]

Defendant's Response: *Disputed* that the Flynnns were participating in the #TakeTheOath trend and saying “Where We Go One, We Go All” as a symbol of family unity. The record indicates that Jack was aware of the “trending” #TakeTheOath movement on social media; [REDACTED]
[REDACTED]
[REDACTED]; and that Jack repeatedly shared strangers’

#TakeTheOath posts [REDACTED] SUMF ¶¶ 13, 33, 40-41, 44.

Undisputed as to the remaining statements.

122. Some members of the Flynn family were aware of the viral #TakeTheOath movement. These family members felt it was a great thing to take an oath in support of the Constitution. [REDACTED]

[REDACTED] The Flynn family filmed themselves reciting the constitutional oath of office, "Where we go one, we go all," and "God bless America." Bolger Ex. 2.

Defendant's Response: *Disputed* as to the characterization that the "family members felt it was a great thing to take an oath in support of the Constitution," as this statement is purely speculative and not supported by citation to any admissible, non-conclusory evidence, and must therefore be disregarded. *See Major League Baseball*, 542 F.3d at 306.

Undisputed as to the remaining statements.

123. There is no evidence in the record that anyone from the Flynn family intended the video to be a show of unity with QAnon. [REDACTED] Nor is there any evidence in the Record that indicates the Flynn family understood #WWG1WGA to be a QAnon slogan at the barbecue. [REDACTED] There is also no evidence in the Record that indicates that the Flynn family knew that #TakeTheOath originated from a Q drop or even knew what a Q drop was. [REDACTED]

Defendant's Response: *Disputed*. These statements are not supported by the cited testimony, are purely speculative and not supported by citation to any admissible, non-conclusory evidence, and must therefore be disregarded. *See Major League Baseball*, 542 F.3d at 306. [REDACTED]

[REDACTED] had tweeted the phrase and other QAnon hashtags to promote the Legal Defense Fund and Gen. Flynn; he retweeted posts that quoted from and/or screenshotted from several different Q Drops; he shared several other

#TakeTheOath posts before and after the Oath Video; that Leslie received two messages from Lori Flynn urging her to "TAKE THE OATH," which was "trend[ing] on Twitter," one of which included a link to a post using the hashtags #qanon and #wwg1wga; [REDACTED]

[REDACTED] SUMF ¶¶ 23, 25-27, 31-35, 41.

124. Instead, the Record demonstrates that the hashtags #WWG1WGA and #TakeTheOath proliferated amongst tweets supporting Gen. Flynn, including tweets that didn't reference Q. They were two hashtags, among many, that were frequently included in tweets supporting Gen. Flynn.

Defendant's Response: *Disputed.* These unsubstantiated statements are purely speculative and not supported by citation to any admissible, non-conclusory evidence, and must therefore be disregarded. *See Major League Baseball*, 542 F.3d at 306.

125. Shortly after the video was taken, Gen. Flynn posted the video to Twitter, making his contribution to the viral #TakeTheOath trend. Bolger Ex. 2.

Defendant's Response: *Undisputed.*

B. Jack and Leslie Provide Shelter for an Indigent Fan of Gen. Flynn

126. Veronica Wolski, an individual who had donated to Gen. Flynn's legal defense fund, was well known on Twitter for putting up all kinds of signs on a bridge in Chicago. [REDACTED] Jack was acquainted with Ms. Wolski through his sister Barbara. [REDACTED] When he learned Ms. Wolski was traveling east, and wanted to meet Gen. Flynn, Jack reluctantly decided to let her know she would be welcome if she made it to his house for a Labor Day cookout. [REDACTED]

Defendant's Response: *Undisputed.*

127. When Ms. Wolski showed up at Jack's house for the cookout, he noticed that she was distressed and in a tough spot in life. [REDACTED] Jack had to calm her down "because she was all excited like a groupie" to see Gen. Flynn. [REDACTED] After Ms. Wolski informed Jack "she had no place to stay and she had been sleeping in her car on her way east at truck stops," Jack decided to get her a room at the Seaview Hotel "so she could get a shower and decent sleep." [REDACTED]

Defendant's Response: *Undisputed.*

128. Later in the evening, Ms. Wolski returned to the cookout. She brought with her a wood carving of an American flag, which she presented to Gen. Flynn; a banner similar to the ones she would display on the bridge in Chicago in support of Gen. Flynn; another banner that said "God bless America"; and a box full of stickers. [REDACTED] Some of these stickers said: "CNN Sucks"; others said: "Q Sent Me." [REDACTED]. Jack and other attendees of the cookout thought these stickers were funny and took pictures with them. [REDACTED]

Defendant's Response: *Undisputed.*

129. [REDACTED]
[REDACTED] However, she seemed to mean well and had a funny sense of humor. [REDACTED] After the cookout, Jack sent Ms. Wolski on her way with a little bit of food. [REDACTED]

Defendant's Response: *Undisputed.*

C. CNN Includes Part of Gen. Flynn's Viral Video in the Report

130. Mr. O'Sullivan came up with the idea of writing the script for the Report because "a lot of people wanted to better understand how online conspiracy theories have played into what had happened a few weeks earlier at the Capitol." Roberts Ex. A at 309:22-310:5. He thought footage he had previously gathered from a QAnon Convention event was relevant; it also showed the QAnon Shaman, who had become a symbol of the January 6 attack. *Id.* at 310:3-5. From its initial conception, Mr. O'Sullivan's intended to use the Report to link Trump and the Flynn's to the QAnon followers that participated in the January 6 attack. As he stated: "The inclusion of the Flynn's in my story was important because it showed-demonstrated how prominent figures like Michael Flynn and Trump had publicly flirted with QAnon." *Id.* at 312:10-14.

Defendant's Response: *Disputed* as to QAnon Shaman being a "symbol of the January 6 attack," as the quoted O'Sullivan testimony (Roberts Ex. A 310:3-5) does not support that statement, and therefore this statement does not cite to any admissible, non-conclusory evidence, and must be disregarded. *See Major League Baseball*, 542 F.3d at 306.

Disputed that Mr. O'Sullivan "intended to use the Report to link Trump and the Flynn's to the QAnon followers that participated in the January 6 attack," as this unsubstantiated statement is purely speculative and not supported by citation to any admissible, non-conclusory evidence, and must therefore be disregarded. *Id.* This characterization is also a legal conclusion inappropriate

for a Rule 56.1 statement, and must therefore be disregarded. *See Nadel*, 57 F. Supp. 3d at 293 n.

6.

Undisputed as to the remaining statements.

131. The Report begins by showing clips of a room of QAnon followers alongside a chyron that stated: "CNN GOES INSIDE A GATHERING OF QANON FOLLOWERS." The Report then identifies one attendee—who is shirtless, has his face painted, and is wearing a horned headdress—as the QAnon Shaman. The Report then states the QAnon Shaman stormed the Capitol on January 6 and shows images of the QAnon Shaman in the Capitol. The Report describes the phrase "Where we go one, we go all" as the "infamous QAnon slogan promoted by Trump's first national security adviser, Michael Flynn" before immediately cutting to a two second clip from the Flynn family's #TakeTheOath video (the "Clip"). The Clip shows Gen. Flynn leading Lori, Jack, Leslie, Joe, and Valorie in saying "Where we go one, we go all" with their right hands raised. The Report continues to display the chyron about "QANON FOLLOWERS" when the Clip is played. After the Clip, the Report shows the QAnon Shaman again. Next a speaker at a QAnon meeting declares, "We are at war now and we in this room understand that very, very much." Additional video of the QAnon Shaman on both January 6 and from this meeting is shown thereafter. The Report interposes violent rhetoric from a QAnon gathering with footage from the January 6 attack. The QAnon Shaman is shown again. A commentator explains that the people at the meeting "felt like they were part of something big and revolutionary and that they were opposing absolute evil." Mr. O'Sullivan appears on screen and describes QAnon as a movement that gives license to hate, racism, and anti-Semitism. *See generally* Bolger Ex. 1.

Defendant's Response: *Disputed* as to Plaintiffs' characterization of the Report, as the contents of the Report speak for itself.

132. From start to finish, the Report interweaves footage from January 6 and footage from QAnon meetings. The QAnon Shaman is shown numerous times throughout the Report. As Mr. O'Sullivan admits, he included the Clip because he believed it showed the Flynn family "tak[ing] the QAnon pledge." Roberts Ex. A at 53:9-10. The Flynn's, Mr. O'Sullivan believed, were "signaling to the QAnon movement" "We're with you, or solidarity" or even that Gen. Flynn might be Q himself. *Id.* at 68:6-69:7

Defendant's Response: *Disputed* as to Plaintiffs' characterization of the Report, as the contents of the Report speak for itself.

Disputed as to the statement that Mr. O’Sullivan included the Clip because he believed it showed the Flynn family "tak[ing] the QAnon pledge." That portion of Mr. O’Sullivan’s testimony, Roberts Ex. A at 53:9-10, was part of a longer answer in response to Plaintiffs’ counsel’s question, “Have you ever seen a document in which *Jack Flynn or Leslie Flynn* has ever expressed the belief that Q is a high-ranking government insider?,” *not* why he included the Clip in the Report. (emphasis added).

Disputed as to the statement that Mr. O’Sullivan believed the *Flynns* were “signaling to the QAnon movement”; “We’re with you, or solidarity” or even that Gen. Flynn might be Q himself, as that portion of Mr. O’Sullivan’s testimony, *id.* at 68:6-69:7, responded to a question as to whether “*General Flynn* is Q or the Q clearance patriot,” *not the Flynns*:

Q Have you ever seen any evidence that would suggest that General Flynn is Q or the Q clearance patriot?

A That is something that I think some QAnon followers believe.

Q How about you?

A Or wish for or hope for. I have not seen evidence of him saying, "I am this person." But obviously I have seen a lot of signaling to the QAnon movement, including taking the QAnon oath on July 4, 2020.

Q Have you ever seen any evidence that General Flynn is Q or the founder of QAnon?

MS. BOLGER: Object to the form.

THE WITNESS: I have not. Just only seen the evidence in public posts of, you know, the public flirtation with this conspiracy theory movement. I think that, you know, it was notable and why many outlets in the U.S. and around the world picked up on the July 4 pledge -- oath was that it came, you know, only about ten days after the Q persona called for that exact oath to be taken. So I think for a lot of QAnon supporters or followers, they viewed that as a signal to say, you know, "We're with you," or solidarity or whatnot.

Id. at 68:6-69:7.

Undisputed as to the remaining statements.

133. At the time the Report aired, however, Mr. O'Sullivan hadn't seen Jack or Leslie's social media accounts. *Id.* at 37:13-38:16. Even if he had, Mr. Sullivan admits that he knows that retweets are not necessarily endorsements of the original tweets or indicative of an unexpressed belief system related to the tweet. *Id.* at 15:816:8. Moreover, Jack's tweets demonstrated a lack of knowledge as to what QAnon was. Roberts Exs. J, K, L. Mr. Sullivan also admits that just saying "Where we go one, we go all" does not make someone a QAnon follower. Roberts Ex. A. at 98:14-24.

Defendant's Response: *Disputed* that at the time the Report aired, Mr. O'Sullivan hadn't seen Jack's social media accounts. The quoted portion of Mr. O'Sullivan's testimony, Roberts Ex. A at 37:13-38:16, indicates that Mr. O'Sullivan testified that he "saw Jack Flynn sharing a lot of QAnon memes . . . [QAnon] iconography, the slogans."

Disputed that Jack's "tweets demonstrated a lack of knowledge as to what QAnon was," as this characterization is not supported by the cited evidence, and therefore must be disregarded.

- Roberts Ex. J indicates that on August 13, 2020 Jack tweeted, "What's wrong with the statement: Where We Go 1 We Go All?? ANYONE?? #WWG1WGA."
- Roberts Ex. K indicates that on August 20, 2020, Jack tweeted, "I was told today that QAnons are dangerous people to be aligned with. That there is actually 'no plan.' True or not, most people seem pretty normal to me who support the idea of Q. I advocate for the Constitution and Bill of Rights. if Q does too~No harm no foul. #KAG2020," which quote tweeted his earlier tweet that "There is nothing wrong with QAnon. Just People doing their own research and learning independence of thought to find the truth. If it triggers the daylights out of fools like yourself all the better . . . Don't you get it?? It's so simple ~Yet complex. Like a meritage wine."
- Roberts Ex. L indicates that on August 22, 2020, Jack quote tweeted a post containing: a meme with a U.S. flag, a giant black "Q," and the phrase "Where We Go One We Go All" along with "We are with you Jack!" Jack added, "If this means you believe in the constitution and equal justice under the law then this works for me."

These tweets indicate support for QAnon, not a "lack of knowledge."

Disputed that Mr. O’Sullivan also admits that just saying "Where we go one, we go all" does not make someone a QAnon follower. The cited testimony, Roberts Ex. A at 98:14-24, states the following, in full:

Q How many times do you have to say Where We Go One We Go All before you become a QAnon follower?

MS. BOLGER: Objection. Objection, asked and answered.

BY MR. BISS: Q Before you become an adherent of the belief system as Judge Woods has ruled?

MS. BOLGER: Object to the form.

THE WITNESS: I mean, that’s just not how it works.

Undisputed as to the remaining statements.

134. Nevertheless, he still decided to include the Clip in his Report, but not before cutting out the portions where the Flynn’s said an oath to defend the Constitution and "God bless America." *Id.* at 134:5-12. CNN removed the Clip from the context in which it was created and misleadingly placed it among clips of QAnon gatherings and the January 6 attack because O’Sullivan thought "Trump and Flynn, by signaling to QAnon in this way . . . helped enable, encourage this, and contributed to getting us to the place where we were." *Id.* at 168:7-12.

Defendant’s Response: *Disputed* as to the characterization that Mr. O’Sullivan “created and misleadingly placed” the Clip in the Report, as this unsubstantiated statement is purely speculative and not supported by citation to any admissible, non-conclusory evidence, and must therefore be disregarded. This characterization is also a legal conclusion inappropriate for a Rule 56.1 statement, and must be disregarded for that reason as well. *See Nadel*, 57 F. Supp. 3d at 293 n.6.

Undisputed as to the remaining statements.

135. Because it linked Trump and General Flynn with QAnon and the January 6 attack, Mr. O’Sullivan thought his Report "might be a good one to do before [the] impeachment trial." Roberts Ex. A at 311:9-16; Roberts Ex. M at p.5. Trump’s impeachment trial in the House, which was related to the events of January 6, was scheduled to begin 5 days after the Report aired. [REDACTED]

██████████ O'Sullivan further pitched his Report within CNN by predicting " this piece will make some news. It demonstrates the Trump-Q dynamic in a way that I don't think has been shown before." Roberts Ex. A at 324:10-15; Roberts Ex. O. O'Sullivan was not only aware that his Report linked Trump and the Flynnns to QAnon and the January 6 attack-he viewed this as his Report's central theme.

Defendant's Response: *Disputed* as Mr. O'Sullivan testifying that the Report "linked Trump and General Flynn with QAnon and the January 6 attack," because the quoted testimony to misleadingly omits the full quotation referencing the underlying document. Mr. O'Sullivan stated in the referenced email at Roberts Ex. M, "Might take a few days to put together, but think it might be a good one to do before impeachment trial *as it shows how much Q followers look to Trump.*" (emphasis added).

Disputed as to "O'Sullivan was not only aware that his Report linked Trump and the Flynnns to QAnon and the January 6 attack-he viewed this as his Report's central theme," as this unsubstantiated statement is purely speculative and not supported by citation to any admissible, non-conclusory evidence, and must therefore be disregarded. *See Major League Baseball*, 542 F.3d at 306.

Undisputed as to the remaining statements.

136. No one from CNN reached out to any of the Flynnns for comment before Report aired. Roberts Ex. A at 159:14-19. However, CNN did reach out to a QAnon follower known as In The Matrix because this figure was shown speaking in the Report. *Id.* at 336:10-337:1; Roberts Ex. P. CNN cannot credibly explain why it asked In The Matrix for comment but not the Flynnns.

Defendant's Response: *Disputed* as to why CNN reached out to a "QAnon follower known as In The Matrix[xx] because this figure was shown speaking in the Report," because that statement mischaracterizes the full cited portion of the testimony, Roberts Ex. A at 336:10-337:1. Mr. O'Sullivan testified that he reached out to In The Matrixxxx "[b]ecause he's featured substantially in the story and is one of the people who's heard throughout the story." *Id.*

Disputed as to the statement, “CNN cannot credibly explain why it asked In The Matrix for comment but not the Flynn,” as this contradicts the undisputed record and is also a legal conclusion inappropriate for a Rule 56.1 statement, and must be disregarded for that reason as well. *See Nadel*, 57 F. Supp. 3d at 293 n. 6.

Undisputed as to the remaining statements.

Jack and Leslie's Damages

137. After the Report aired, Jack had to defend himself and explain that he was not a QAnon follower to members of his country club, individuals he knew through pickleball, and his son. [REDACTED] His son was told that his "parents are part of th[e] QAnon group." [REDACTED] Jack believes there are probably millions of people that think less of him because they think he is associated with QAnon, including his neighbors in Boca Royale, Florida and Newport, Rhode Island. [REDACTED]

Defendant's Response: *Disputed* that Jack “believes there are probably millions of people that think less of him because they think he is associated with QAnon, including his neighbors in Boca Royale, Florida and Newport, Rhode Island” because the quoted testimony, [REDACTED] [REDACTED] does not support the statement, the statement is purely speculative and not supported by citation to any admissible, non-conclusory evidence, and must therefore be disregarded. *See Major League Baseball*, 542 F.3d at 306. The undisputed record shows that Jack testified in response to, “Can you name anybody in the whole wide world who thinks less of you because of the CNN report?”:

A. I think there's probably people inside of Boca Royale and Newport, Rhode Island where we grew up or the surrounding area that think less of us because of that CNN report. I think that there's probably close to 10 million people maybe that saw it, saw our picture knew that that was General Flynn, looked online to check and see who he was with and realized that that was our family and they think less of us because of it.

The undisputed record further indicates that Jack could not name a specific person that thought less of him because of the Report, and he testified that his son Kyle “doesn’t think anything less of [him]” either. *Id.* at 360:24-361:14.

Disputed as to the remaining statements as Plaintiffs mischaracterize and decontextualize their own testimony, and the testimony speaks for itself.

138. On Twitter, Jack has been harassed by people who think his is a QAnon follower because of the CNN Report. [REDACTED]. Pickleball players and members of his community began keeping their distance from Jack and Leslie after the CNN Report aired. [REDACTED] Jack is fearful and uncomfortable being in his community because people stare and talk about him.

Defendant’s Response: *Disputed* that Jack “has been harassed by people who think [he] is a QAnon follower because of the CNN Report,” as this misstates the cited testimony, [REDACTED]. In that testimony, Jack testified:

Q. And of those people in the world that you think less of you has anybody actually said to you hey, I think less of you because of the CNN report?

A. On Twitter I have been attacked openly by many people. They take that picture and they shove it in my face. And I delete it because I don't want it on my timeline. So yes, lots of people.

That is, Jack did *not* testify that he has been “harassed” because people think he is a QAnon follower because of the Report.

Disputed that “[p]ickleball players and members of his community began keeping their distance from Jack and Leslie after the CNN Report aired,” as this misstates the cited testimony, *id.* at 365:21-366:3. In that excerpt, Jack testified that *one* person “keeps his distance” for unknown reasons and not specifically because of the Report:

Q. Did Randy tell you his opinion of you had changed because of the report?

A. Randy keeps his distance from me and other people there in the community keep their distance from us.

Undisputed as to the remaining statements.

139. Similarly, Leslie brought her claim against CNN [REDACTED]
[REDACTED]
[REDACTED] When she learned that
CNN labeled her a QAnon Follower on national television, she was "shocked,"
"embarrassed and sad." *I* [REDACTED] The Report damaged Leslie
emotionally and affected her health by causing her to be anxious and depressed
that people thought she was in QAnon. *Id.* at 198:1-6. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Defendant’s Response: *Disputed* as to Leslie learning that “CNN labeled her a QAnon Follower on national television,” as this statement is purely speculative and not supported by citation to any admissible, non-conclusory evidence, and must therefore be disregarded. *See Major League Baseball*, 542 F.3d at 306.

Disputed that the Report damaged Leslie, as that is a legal conclusion inappropriate for a Rule 56.1 statement, and must be disregarded. *See Nadel*, 57 F. Supp. 3d at 293 n. 6.

Disputed [REDACTED]

[illegible]

Disputed

Undisputed as to the remaining statements.

140. Leslie had to explain to her friends Maryellen, Dawn and Kris; her sister Lori; her son Kyle; her mother; and her aunt that she was not part of QAnon because of how she was portrayed in the Report. [REDACTED]
[REDACTED] Leslie believes that a couple members of her pickleball community may think she's part of QAnon. [REDACTED]

Defendant's Response: *Disputed* that Leslie “believes that a couple members of her pickleball community may think she's part of QAnon,” as that is a misleading characterization of Leslie’s testimony, [REDACTED]

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[REDACTED]

Undisputed as to the remaining statement.

Procedural History

141. On March 25, 2021, Jack and Leslie sued CNN in this Court, bringing claims for defamation per se and false light invasion of privacy based on the allegation that the Report falsely accused them of being a "QAnon follower." Def.'s SUMF. ¶ 92. On May 7, 2021, Jack and Leslie filed the FAC, again alleging defamation per se and false light invasion of privacy. *Id.* ¶ 93. On June 21, 2021, CNN moved to dismiss the FAC. *Id.* ¶ 94. On October 22, 2021, Magistrate Judge Cave issued a report and recommendation ("R&R") recommending dismissal with prejudice of Jack and Leslie's defamation per se and false light claims. *Id.* ¶ 95. On December 16, 2021, this Court issued a memorandum opinion and order adopting the R&R in part and rejecting it in part. *Id.* ¶ 97. This Court dismissed Jack and Leslie's defamation per se claim but held that their false light claim was adequately pleaded. *Id.*

Defendant's Response: *Undisputed.*

142. On August 12, 2022, this Court granted in part and denied in part CNN's motion for partial reconsideration, holding that at the pleading stage, Jack and Leslie had plausibly alleged falsity for purposes of their false light claim. *Id.* ¶ 101. Discovery proceeded and this motion followed. *Id.*

Defendant's Response: *Undisputed.*

D. MSNBC Took Steps to Protect Jack and Leslie From Being Shown in False Light When MSNBC Broadcast the Clip.

143. When it broadcast a frame from the same clip, MSNBC decided to obfuscate, or blur out, Jack and Leslie's images. Roberts Ex. F. CNN chose not to protect Jack and Leslie from false light publicity in this manner. Roberts Ex. A at 164:4-11; Roberts Ex. E.

Defendant's Response: *Disputed* as to "MSNBC decided to obfuscate, or blur out, Jack and Leslie's images," as that reporting speaks for itself.

Disputed as to the statement, “CNN chose not to protect Jack and Leslie from false light publicity in this manner,” as this characterization is both speculation and a legal conclusion inappropriate for a Rule 56.1 statement, and must be disregarded. *See Nadel*, 57 F. Supp. 3d at 293 n. 6.

Undisputed as to the remaining statements, but not material.

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Respectfully submitted,

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